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(HANSARD)

Thursday, October 18, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, October 18, 2018

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

VICTIMS OF CRIME

Hon. Pierre-Hugues Boisvenu: Honourable senators, I rise today to speak on behalf of the families of victims of crime in response to some troubling events across the country. The families of murder victims have a right to information, pursuant to the Canadian Charter of Rights and Freedoms, but this right has been violated in recent months, in particular with respect to the victims of serial killers like Robert Pickton and Elizabeth Wettlaufer.

As you know, the Canadian Victims Bill of Rights is based on four key pillars, one of which is the right to information. This right is crucial to helping victims of crime and their families try to find peace and live a normal life.

In recent months, the correctional service failed in its obligation to inform victims' families on more than one occasion. A week ago, we learned that the authorities had failed to inform the father of young Tori Stafford, the victim of Terri-Lynne McClintic, that the inmate was being transferred to a healing lodge.

This isn't the first time information has been deliberately withheld from victims' families. A few days ago, the media reported that Elizabeth Wettlaufer, a serial killer who was convicted of murdering eight people and suspected in several other murders, had been transferred to the Institut Philippe-Pinel in Quebec without her victims' families being informed. The families only found out about the transfer from a Global News investigation. This is unacceptable.

In September, I wrote the Minister of Public Safety to ask why the families of some of the victims of Robert Pickton, a serial killer who murdered nearly 50 women, had not been notified that he was being transferred to the Port-Cartier penitentiary in Quebec, in spite of victims' families' right to be notified before a transfer.

Honourable senators, I am deeply troubled by the government's profound lack of respect for victims of crime. It is unacceptable for victims' right to information to be violated.

As the Senate sponsor of the Canadian Victims Bill of Rights, a piece of legislation that was passed unanimously by this chamber and that held deep meaning for me long before I was appointed as a senator, I cannot stand for this. No victim of crime can stand by while a right as fundamental as their right to information is flouted. This is about respect and compassion, but also about the right to safety, which has been recognized.

I urge you to put yourselves in these families' shoes. How would you like living in uncertainty, never knowing exactly where in this country your child's murderer is living? I also encourage victims and their families to take advantage of the complaint mechanism provided for in the Victims Bill of Rights and report every violation of their right to information.

Thank you.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Darcy Ataman and Shannon Johnson, accompanied by Marcia McClung, granddaughter and archivist of Nellie McClung. They are the guests of the Honourable Senator McPhedran.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

PERSONS DAY

Hon. Marilou McPhedran: Honourable senators, it's Persons Day. No woman senator would be in this chamber today without the win in the Persons Case. At the core of why the Famous Five fought is gender equality. Yesterday, Senator Andreychuk told us about why Dr. Denis Mukwege and Ms. Nadia Murad received the Nobel Peace Prize. Again, the heart of this Nobel went to the struggle worldwide for gender equality and the right to live free from violence.

With us in the chamber, we have Manitoba's Darcy Ataman, Founder and CEO of Make Music Matter, and Ms. Shannon Johnson, Director of Operations.

Make Music Matter is the Canadian charity that pioneered Healing in Harmony, which began with Dr. Mukwege in Panzi Hospital in Bukavu in the Congo.

University researchers are confirming substantial groundbreaking improvements in the lives of sexual assault and rape survivors who have been operated on by Dr. Mukwege. Through their partnership with Dr. Mukwege, Make Music Matter has been able to use music as a tool for healing, giving survivors of sexual assault an avenue to be heard and to heal internal wounds through their own voices.

I also wish to recognize the solidarity and collaboration among genders to address feminist issues. Dr. Mukwege and Mr. Ataman are both examples of how engaging men and boys is a successful approach to achieving greater gender equality, security and healing for survivors of gender-based violence and for our whole society.

Today we speak of a feminist agenda as the recognition of gender equality and the living of rights. Let us remind ourselves that it was only 1929 when Canada recognized women as persons worthy to serve in positions of authority such as in the Senate.

[*Translation*]

In the gallery today is Nellie McClung's granddaughter, Marcia McClung. She has been working hard to keep her grandmother's work alive. Nellie McClung was one of the Famous Five, a group of women who fought against gender inequality and promoted women's inclusion in politics.

[*English*]

It is my pleasure, along with Ms. McClung, to be welcoming the Canadian Women's Foundation to the Hill tonight as we celebrate Persons Day at a reception from 5 p.m. to 7 p.m. in room 256-S.

I encourage you, colleagues, to drop by and join us in celebration of this milestone in Canadian history. Thank you. *Meegwetch*.

TOMMY RICKETTS

ONE HUNDREDTH ANNIVERSARY OF BEING AWARDED VICTORIA CROSS MEDAL

Hon. Norman E. Doyle: Honourable senators, on Sunday, October 14, Newfoundlanders assembled at our Provincial Museum to honour the one hundredth anniversary of Royal Newfoundland Regiment's Sergeant Thomas Ricketts being awarded the Victoria Cross.

The event also recognized Corporal Matthew Brazil of Spaniard's Bay, who received the Distinguished Conduct Medal for his heroism on October 14, 1918, in Belgium.

• (1340)

The Victoria Cross, Great Britain's highest military decoration, is awarded for extreme devotion to duty and self-sacrifice under enemy fire.

Tommy Ricketts was the only Newfoundland recipient of the Victoria Cross in the history of the Royal Newfoundland Regiment and the youngest soldier in the British Army, in a combatant role, to ever receive this distinction.

Born in Middle Arm, White Bay, this young 15-year-old fisherman marked an X on his enlistment papers as an 18-year-old, eager to join thousands of other young Newfoundland boys and men who answered the call for King and country.

Ricketts left St. John's on January 31, 1917, and soon any glamorous boyhood fantasies would be shattered as he would come face to face with the dark and sinister tragedy of trench warfare.

Having fought in France and survived such conflicts as the Battle of Cambrai, October 1918 would find this young soldier on the battlefields of Belgium. It was here, on a farmer's field near Drie Masten, that his devotion to duty would be selflessly demonstrated.

King George V presented Ricketts with his Victoria Cross at York Cottage on the Sandringham Estate on January 19, 1919. At the ceremony, the King commented, "This is the youngest Victoria Cross in my army."

Ricketts died on February 10, 1967, and his state funeral was attended by the Lieutenant Governor, the premier, along with all of the the prominent dignitaries of the day.

Much has been written about Tommy Ricketts, his life as a soldier and a civilian. The chairman of the Royal Newfoundland Regiment Museum, Frank Gogos, offered the following summation in his document titled "Newfoundland's Reluctant War Hero," and I quote:

> Ricketts left behind a tangible legacy and expectation that you could better yourself if you applied humility, charity and hard work through education. He rose from an illiterate fisherman to Newfoundland's greatest war hero, and turned his celebrity into an education becoming a respected pharmacist in the community. . . . . He showed by setting a goal that anyone can achieve greatness no matter how humble your background.
>
> He lived an unassuming and hard-working life — there could have been no better Victoria Cross recipient. Tommy was a true hero and soldier.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Senator Dasko's daughter, Marion Dasko Adams, accompanied by friends. They are the guests of the Honourable Senator Dasko.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

PERSONS DAY

Hon. Donna Dasko: Honourable senators, I rise today to recognize Persons Day.

October 18 is the day that we commemorate the constitutional ruling in 1929 that established that Canadian women were to be recognized as persons and granted the right to sit in the Senate of Canada. That case was led by the Famous Five — five prominent women whose achievements today are recognized across this country, in our history books, on plaques, in public parks and in popular statues erected in two provinces and here on Parliament Hill.

Persons Day is many things. First, it is uniquely Canadian. While Canadians participate around the world in international events, such as International Women's Day and the January marches and other events, Persons Day is our day. Persons Day is also a celebration. While we must always recognize the tragedies of our Canadian history, we must also recognize its triumphs, and this is one of those.

As well, Persons Day has special meaning for the members of this chamber. The fact that we celebrate women's entry into the Senate is a special point of pride for the women and men of this chamber. Persons Day is all of these things, but above all, it is a victory for women.

The Persons Case victory in 1929, along with winning the right to vote for women and the election of the first woman to federal Parliament in 1921 — and that, of course, was Agnes Macphail from Grey County in Ontario — were important events of that era that established women's rights to political participation and to basic representation.

Today we strive for another goal, and that goal is equality in our political institutions. I have worked for this goal for three decades and will continue to do so. We are not there yet, but when that day comes, I hope that we will celebrate it together.

Tonight I'm going out with five young women who are sitting in the gallery behind me. We will stop by the statue of the Famous Five and then go out for a great evening. You know, feminists can have fun too.

I wish all honourable senators a happy Persons Day. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members of the Windsor family and Thibaut Houssier-Perbet. They are the guests of the Honourable Senator Deacon (*Ontario*).

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

JIM LANDRY

ONE THOUSAND KILOMETRE MEMORY RIDE

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, almost two years ago I was honoured to attend a special ceremony at the Canadian War Museum with the chief of defence staff and the museum president Mark O'Neill. During the ceremony, two significant New Brunswick First World War artifacts were donated to the War Museum. One of these was the original temporary grave marker of Private John F. Ashe, 26th Battalion, who died of his wounds in the Battle of Vimy Ridge in April 1917. The marker was donated by his grandnephew Jim Landry of Saint John, New Brunswick.

Last year, for the one hundredth anniversary of the Battle of Vimy Ridge, Jim Landry organized the planting of nearly 100 Vimy Ridge oak trees throughout Prince Edward Island and his home province of New Brunswick.

This year, Jim is continuing to honour our First World War veterans by cycling 1,000 kilometres across Belgium and France, raising money for the Alzheimer Society in Saint John. He calls his trek the One Thousand Kilometre Memory Ride.

Jim began his trek on Prince Edward Island, and in New Brunswick, his home base, on September 20, cycling 400 kilometres through those provinces and planting oak trees in ceremonies along the way. He arrived in Ypres on October 1, picking up his bicycle for the European part of his tour.

Over the next 10 days, Jim cycled 600 kilometres through Belgium and France, spending time visiting battlefields and monuments along the way and posting stirring photographs and videos of his travels on his Facebook page, which I invite you to visit.

He ultimately finished by planting his Vimy Ridge oak tree in a park in the city of Arras, just a short distance from the Vimy Ridge memorial.

Honourable senators, year after year individuals like Jim Landry have demonstrated an unwavering commitment to honouring the memories of Canada's fallen. Please join me in recognizing Jim Landry's efforts and his journey of remembrance through the battlefields of France and Belgium.

• (1350)

ROUTINE PROCEEDINGS

PARLAMERICAS

BILATERAL VISIT TO SANTIAGO AND VALPARAISO, CHILE, MARCH 11 TO 14, 2018 AND MONTEVIDEO, URUGUAY, MARCH 14 TO 16, 2018—REPORT TABLED

Hon. Rosa Galvez: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Section of ParlAmericas respecting its bilateral visit to Santiago and Valparaiso, Chile, from March 11 to 14, 2018, and to Montevideo, Uruguay, from March 14 to 16, 2018.

OPEN GOVERNMENT PARTNERSHIP GLOBAL SUMMIT, JULY 17 TO 19, 2018—REPORT TABLED

Hon. Rosa Galvez: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation respecting its participation in the 5th Open Government Partnership Global Summit, held in Tbilisi, Georgia, from July 17 to 19, 2018.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

> That, for the purposes of its study of Bill C-79, An Act to implement the Comprehensive and Progressive Agreement for Trans-Pacific Partnership between Canada, Australia, Brunei, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam, the Standing Senate Committee on Foreign Affairs and International Trade have the power to meet on Tuesday, October 23, 2018, and on Wednesday, October 24, 2018, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

QUESTION PERIOD

FINANCE

TAX FAIRNESS

Hon. Larry W. Smith (Leader of the Opposition): My question is for the government leader today concerning the tax burden on small businesses across the country.

In July, the federal government revealed that it will give certain large corporations a special break on the amount of carbon taxes they will have to pay as of January 1, 2019. The government stated that they are doing this because of "risks to competitiveness due to carbon pricing."

While the government has recognized that its carbon tax will hurt the competitiveness of Canada's large industrial corporations, it has not extended the same consideration to our small businesses, which are also struggling to remain viable.

While certain large corporations are getting a break on the Prime Minister's carbon tax, could the government leader please tell us why local businesses are still expected to pay more? How can this be considered tax fairness?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Let me reiterate that the view of putting a price on pollution is important, both in economic measure and in environmental measure, in ensuring Canada is prepared to do what is necessary to meet its international obligations and to advance our economic performance in a world where climate change has such a significant economic impact.

The carbon pricing regime is one that this chamber has studied and approved legislatively. As the government goes forward, of course, it will be monitoring the overall impact of our economic performance in light of changing competitive dynamics. I'm sure that will be part of the Minister of Finance's ongoing review of the state of the economy and measures that the government ought to take.

Let me assure all senators — and, through you, all businesses — that the government is dedicated to ensuring tax fairness in all elements of our economy. The support to small business, quite apart from the measures that have been raised in the question, has been very significant.

Senator Smith: I'm not sure the leader answered my question. It was simply stated that small businesses will have a higher tax in that particular area than the big businesses. It would seem fair that if we're talking about middle-class Canadians, which has been a preponderance of the Liberal platform, we're not addressing small business and middle income earners.

In addition to the carbon tax, Canadian small businesses will have to contend with higher CPP premiums in 2019. They're also dealing with complex tax changes on income splitting and passive investment, which were imposed by the government a year ago. Late last year, our National Finance Committee recommended that the government undertake a comprehensive review of our tax system. Tuesday, our Banking, Trade and Commerce Committee made similar recommendations and called for a royal commission on taxation.

Simple question, sir: Could you tell us if the government intends to follow the advice of two of our Senate committees?

Senator Harder: I thank the honourable senator for his question. The work of the Senate is taken very seriously by the government. The honourable senator will know that there are procedures in both chambers with respect to the obligation of the government to respond to such studies, and the government has in the past.

I would expect that should this chamber adopt the report that was so recently tabled and request a response from the government, a response will be forthcoming because the government does welcome the work of the Senate.

TRANSPORT

CHAMPLAIN BRIDGE

Hon. Leo Housakos: Honourable senators, my question is for the government leader. It is in regard to a subject I broached on this floor with the leader on a number of occasions over the last few months, namely, the construction of the new Champlain Bridge in Montreal.

As we all know, the consortium that was responsible for building the bridge had a delivery date of December 1, 2018. Unfortunately, a number of weeks ago, they announced that they would not be able to meet that deadline. The previous government had a strong, ironclad contract with the consortium, a PPP arrangement which also had in place penalties for every day the bridge was not delivered on time — penalties of $400,000 a day. Not only has the government not applied those penalties, since the consortium is not going to meet that date — as it acknowledged by requesting to push the date to December 21 — but they thought it wise to pay out more than $400 million-plus to the consortium, in large part to accelerate the work to meet the new deadline.

Can the government leader assure this chamber that the new deadline of December 21 will be met and that they will deliver the bridge on time?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator his question. It is the expectation of the government that the commitment to complete the bridge in January is both realistic and attainable. It continues to be the government's view that while this is both a highly compressed and ambitious time frame, it is the driving force of all the stakeholders involved in the bridge construction. The government is reporting that the schedule, while challenging, is one that they expect to have fulfilled.

Senator Housakos: We're only a little over two months away from this new deadline. Can the government leader not only confirm that it's going to be on time — we want a firm confirmation — but also give us confirmation that if they don't meet this new deadline, the penalties that were in the original contract, namely, $400,000 a day per day that the bridge is not delivered on time, will be applied?

Senator Harder: Again, I thank the honourable senator for his question. Let me repeat: The information I have is that the government does expect that delivery date. The eventualities that the honourable senator suggests are hypothetical and will be addressed in the event that other circumstances intervene.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CHINESE INVESTMENT IN CANADA

Hon. Thanh Hai Ngo: My question is for the government leader in the Senate. Huawei is set to build the next generation of mobile communication in Canada. This is causing grave concerns for the future of our safety and privacy.

• (1400)

Six U.S. security agencies, seven U.S. senators and the Australian security establishment are all warning Prime Minister Trudeau to bar the way from building the next generation of our Internet because of the real threat China represents to our cybersecurity. Three top former Canadian security advisers, Ward Elcock, Richard Fadden and John Adams, also warned the federal government that Huawei cannot be trusted, saying it is not free of the Chinese government's influence.

Prime Minister Trudeau said this week that he's not willing to do politics with this decision.

My question to you is this: Why is he ignoring the concern of the public, the counsel of his Five Eyes partners and the warning of prominent security experts who are warning him against this deal?

Hon. Peter Harder (Government Representative in the Senate): Again, like the Prime Minister, I'm sure the honourable senator would not want to play politics with this. The Government of Canada is confident with the oversight mechanisms it has to deal with cybersecurity and ensuring that Canada's interests are protected. While we welcome the advice from U.S. senators, they are not part of the decision-making process in Canada. The Government of Canada remains confident that the mechanisms in place are entirely appropriate to ensure the safety and cybersecurity of Canada.

PUBLIC SAFETY

CYBERSECURITY

Hon. Thanh Hai Ngo: The Chinese communist government is using its state-owned and private companies to intrude into our communications and those of our allies. This month a Bloomberg article uncovered that China spied and hacked over 30 U.S. companies, including Amazon and Apple, through super microchips no bigger than a grain of rice. These microchips were assembled on a motherboard by the Chinese manufacturer. They were found on the Department of Defense data centres, the CIA joint operations and the onboard network of navy ships.

Senator Harder, Huawei has already started to implement its wireless equipment through Bell Canada. They have also teamed up with Rogers to become the sponsor of "Hockey Night in Canada."

Will the federal government demand that Huawei cease all business activities until the security review is complete?

Hon. Peter Harder (Government Representative in the Senate): Again, I want to assure the senator and all senators that the Government of Canada remains vigilant in ensuring that the mechanisms available to ensure the security and cybersecurity of Canadians are in place and are being dealt with in real time with regard to all stakeholders, all business opportunities.

With regard to the preface of the question, let me reiterate the consensus around the chamber, at least in many quarters, that Canada must in its diversification effort include a more robust

engagement with economic relationships with China. China has 25 per cent of the global population and certainly 50 per cent of the growth in Asia, and it is entirely appropriate that Canada take every opportunity to strengthen its economic relationships, particularly as new markets are the key to our future well-being.

[*Translation*]

ENFORCEMENT OF CANNABIS REGULATIONS

Hon. Pierre-Hugues Boisvenu: Senator Harder, in February, I asked the RCMP how many of its detachments had a 24-hour evaluating officer on site. Having those experts on site is important because they can put together the files for court cases properly. Without evaluating officers at RCMP detachments, it will be very difficult to take intoxication cases to court.

In the end, I had to submit a written question in order to get an answer from the RCMP months later. That answer, which I discussed with you yesterday, was very disappointing.

The Liberal government promised to legalize marijuana. It has been in power for three years now, but most of this country's RCMP detachments do not have an evaluating officer on duty 24 hours a day. Why is that?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I want to thank the honourable senator for his question and his ongoing vigilance in asking me questions with regard to readiness, particularly police readiness, in implementing the important bill that was passed in this chamber last June. The impaired driving problem is one that the government has invested in, both with legislative tools, which were part of the consideration before this house, and with the very successful public awareness campaign, the Don't Drive High campaign. The government has invested $274 million to support law enforcement, to ensure that they have the training and technology needed to deal with these new tools that the police have been given. With these investments, the government has seen an increase of over 60 per cent in the number of drug recognition experts in Canada, and there are more than 13,000 police officers across Canada already trained in standardized field sobriety testing. This obviously will continue over the course of the next months and indeed years to ensure that our police forces have a robust capacity to enforce the legislation that we passed by a majority here, although the honourable senator opposed it.

[*Translation*]

Senator Boisvenu: Senator Harder, I would remind you that marijuana is now legal. Your government is behaving as though it will be legal a year from now. I would remind you that cannabis has been legal for 24 hours. I asked you this question yesterday and, somewhat in jest, you told me I've been asking the same questions for a year now. I think it's important to keep asking the same questions until Canadians get some straight answers.

A new study released in Quebec yesterday shows that 86 per cent of Quebec families have concerns about how marijuana was legalized. They will be even more worried to learn that the screening devices chosen by your government are giving inaccurate results 33 per cent of the time.

I repeat my question from yesterday: When will the Minister of Justice commit to using other, less expensive and more accurate devices in order to reassure families regarding roadside testing in Canada?

[*English*]

Senator Harder: Let me remind this house that the new legalized, strictly controlled and regulated marijuana distribution regime that was established yesterday is, as I said yesterday, part of a process of implementation. The previous system of illegal cannabis distributed through organized crime was a complete failure. As honourable senators will know from the statistics, from MADD Canada especially, the deaths on the road from drug impairment exceeded those of alcohol impairment, and it was clear that we have a problem in Canada. It didn't start with legalization. Frankly, the solution starts with legalization, strict enforcement and regulation, and that is the course that we are now on.

JUSTICE

JUDICIAL SELECTION PROCESS

Hon. Paul E. McIntyre: My question today for the government leader once again concerns judicial vacancies. When I asked the government leader about this issue back in April, there were 59 vacancies for federally appointed judges. As of today, there are about 50 judicial vacancies across Canada. The 2017 budget implementation bill, Bill C-44, created 22 new Superior Court judicial positions. We learned this summer that only half of those positions have since been filled more than a year after this bill received Royal Assent.

Leader, when do the government and the Minister of Justice intend to act to fill judicial vacancies in a meaningful way to ensure justice for victims of crime and to restore justice in our system?

Hon. Peter Harder (Government Representative in the Senate): Again I thank the honourable senator for his question and his ongoing interest in this matter. I will give him the assurance that I've given him on other cases, that the Minister of Justice is working diligently to ensure that the appointment of appropriate individuals, who represent the broad spectrum of Canada's diversity and are qualified to be appointed to the bench, are made as quickly as possible to fulfill these important functions, and that remains her objective. I will certainly raise with the minister directly the concern that the honourable senator has expressed so that she understands the vigilance this chamber is giving to the importance of these appointments.

• (1410)

Senator McIntyre: Serious criminal charges have been stayed in the wake of the Supreme Court's *Jordan* decision in the summer of 2016. For example, the government leader may remember that I asked him in April about an individual in the province of Alberta charged with first-degree murder, conspiracy to commit murder and directing a criminal organization. Those charges were stayed due to delays in getting the case to trial.

Leader, could you please make inquiries and tell us how many murder charges have been stayed in the last two years?

Senator Harder: I will be happy to do so.

[*Translation*]

ORDERS OF THE DAY

CANADA LABOUR CODE PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT BUDGET IMPLEMENTATION ACT, 2017, NO. 1

BILL TO AMEND—MESSAGE FROM COMMONS—AMENDMENT AND DISAGREEMENT WITH CERTAIN SENATE AMENDMENTS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons which reads as follows:

Wednesday, October 17, 2018

ORDERED,—That a Message be sent to the Senate to acquaint their Honours that, in relation to Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1, the House:

agrees with amendments 3, 5(b), 6 and 7(a) made by the Senate;

respectfully disagrees with amendment 1 because replacing the word "means" with "includes" would result in a lack of clarity for both employees and employers;

respectfully disagrees with amendment 2 because, in focusing on harassment and violence, it would create an imbalance relative to all of the other occupational health and safety measures under Part II of the Canada Labour Code, and, in addition, other legislation, such as the Employment Equity Act, addresses some of those issues;

proposes that amendment 4 be amended by deleting paragraph (z.163) and by renumbering paragraph (z.164) as paragraph (z.163) because the addition of proposed paragraph (z.163) would mean that a single incident of harassment and violence in a work place would be considered to be a violation of the Canada Labour Code on the part of the employer, which would undermine the framework for addressing harassment and violence that Bill C-65 seeks to establish;

respectfully disagrees with amendment 5(a) because the complaints that are investigated under the section that would be amended do not include complaints relating to an occurrence of harassment and violence; and

respectfully disagrees with amendment 7(b) because this would be inconsistent with the Federal Public Sector Labour Relations and Employment Board's other annual reporting obligations under both the Federal Public Sector Labour Relations and Employment Board Act and Part I of the Parliamentary Employment and Staff Relations Act and because that Board would only be reporting on a small subset of cases in respect of which there are appeals, thus creating a high risk that an employee's identity would be revealed if such statistical data were published.

ATTEST

Charles Robert
The Clerk of the House of Commons

The Hon. the Speaker: Honourable senators, when shall this message be taken into consideration?

(On motion of Senator Harder, message placed on the Orders of the Day for consideration later this day.)

[*English*]

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-68, followed by all remaining items in the order that they appear on the Order Paper.

FISHERIES ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Dan Christmas moved second reading of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence.

He said: Honourable senators, I'm pleased to rise in this chamber this afternoon as the sponsor of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence.

This bill is important to me; Canada's fisheries are important to me; and as a Cape Bretoner, the ocean is important to me and indeed to the Mi'kmaq Nation.

What's equally important to me is the reality that I view this legislation and the proposed amendments through independent eyes. As an independent Mi'kmaq senator, I feel compelled to say that I follow no party ideology. I see this endeavour through a lens that supports improvements to law and policy that can yield benefits to the sea, its marine inhabitants and the people whose living comes from the oceans.

This bill's proposed provisions restore lost protections for marine and freshwater fish and fish habitat and also incorporate modern ecological safeguards. This change will help to ensure the long-term economic and environmental sustainability of Canada's fisheries.

I'm particularly pleased that Bill C-68 also seeks to better recognize Indigenous people's rights and respect traditional knowledge with regard to fisheries.

As a proud Mi'kmaq and a friend of the late Donald Marshall, Jr. who championed our nation's right to fish, it's with a sense of duty that I stand before you to affirm the importance of safeguarding and protecting Indigenous rights through this important legislation.

Honourable senators, some of you may recall that in 2012, the previous government changed the habitat protections within the Fisheries Act. The protections for all fish and fish habitat were revised to only include those that were part of commercial, recreational and Aboriginal fisheries.

Indigenous and environmental groups were especially concerned with changes made to the act. However, I believe the protection of fish and fish habitat is a matter of importance to all Canadians.

Industry partners were thus thrust into uncertainty with regard to their responsibilities under the act. In contrast, Bill C-68 will help restore some of the public trust by extending protection back to all fish.

The proposed amendments in Bill C-68 have several key themes, including partnership between Indigenous peoples and the federal government; better planning and integrated management; enhanced regulation and enforcement; improved partnerships and collaboration, including with industry; and greater transparency for Canadians through better monitoring and reporting.

Bill C-68 restores provisions and seeks to better serve Canadians in the management of our fisheries.

The bill seeks to create a proper management and control framework and clearly guides the making of decisions under the Fisheries Act.

Amendments proposed in Bill C-68 would provide clearer, stronger and easier rules to establish and manage ecologically significant areas and to protect sensitive or important fish habitats.

Bill C-68 will make it easier for Canadians to hold the government to account in its federal decision making with regard to fish and fish habitat. Measures are being introduced to restore and recover fish habitat and to rebuild depleted fish stocks.

These measures will provide a new fisheries management order power to establish quick and targeted management measures where there is a recognizable threat to the conservation and protection of our marine and freshwater ecosystems.

Bill C-68 includes a new requirement for the Minister of Fisheries and Oceans to consider potential adverse effects in the decision-making process, in accordance with the rights of Indigenous peoples, as set out in section 35 of the Constitution Act, 1982.

I will remind honourable senators that under section 35:

> The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

I'm encouraged by the inclusion of a non-derogation clause that states, for greater certainty, that:

> . . . nothing in this act is to be construed as abrogating or derogating from the protection provided for the rights of the Indigenous peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.

While heartened by this, I'm of the view that there may be ways in which we may improve the notion of applying a non-derogation clause for this bill. I look forward to more fully exploring this when the bill is referred to committee for study.

• (1420)

I'm equally heartened to see the duty of the minister explicitly indicating that:

> . . . when making a decision under this Act, the Minister shall consider any adverse effects that the decision may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982, ...

The Fisheries Act is one of Canada's oldest laws, passed shortly after Confederation and thus now in force for over 150 years.

The bill before us and the improvements contained in it have garnered support both from the public and here in Parliament.

Speaking of the matter of public support, I can share with honourable senators that Mi'kmaq fishermen in my home area of Cape Breton were well pleased to see measures included in the bill regarding DFO's Policy on Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fisheries.

The policy promotes a commercial fishery in Atlantic Canada with a strong independent inshore sector. It includes a comprehensive approach to assist fish harvesters to retain control

of their enterprises, enhance access to capital from traditional lending institutions and maintain the wealth generated from fish harvesting in coastal communities.

The inclusion of the policy into the bill's provisions elevates the program from departmental policy into statutory law — something the Mi'kmaq fishery is very pleased about.

Bill C-68 will enshrine and make explicit in legislation what have long been considered the purposes of the Fisheries Act. I'd like to walk through some of the key aspects of the bill that effectively update and modernize this important piece of fisheries legislation.

The first of these aspects deals with protections for fish and fish habitats.

The bill restores provisions that disallow the harmful alteration, disruption or destruction of fish habitat, as well as the prohibitions against causing the death of fish by means other than fishing. Effectively, this means the protection of all fish, rather than only those that are deemed "commercially important."

Habitat loss, degradation and changes to fish passage and water flow are all contributing to the decline of freshwater and marine fish habitats in Canada. This decline is an important environmental issue, and that is why the restoration of degraded fish habitats is essential.

Under the proposed changes to the Fisheries Act, consideration of restoration is part of project decision making.

Bill C-68 proposes amendments to provide better rules for establishing and managing ecologically significant areas, to better ensure the protection of sensitive or important fish habitats.

One of the key aspects of updating the protection of fish and fish habitat is the better management of projects that may be harmful to fish or fish habitat through a new permitting scheme for big projects and a nimbler approach through codes of practice for smaller ones, such as farmers' fields. This is so that effort is placed where it is most needed.

The proposed bill will enable the regulations that will allow for establishing a list of designated projects comprising works, undertakings and activities for which a permit will always be required.

The government is currently engaging with Indigenous peoples, industry, provinces and territories and other stakeholders to ensure that the right kinds of projects are captured on the designated project list.

This matter is, of course, extremely important to me, and in the case of the Nova Scotia Mi'kmaq fishery, it's critical. This is a matter that I'd like to see us in this place double down on, and I'm eager for this element of the legislation to receive rigorous study in committee.

Another key aspect of updating and addressing the issue of public trust is dealt with by the introduction of a public registry. This registry will enable better transparency and access to ensure government decisions on fish and fish habitat protections are made available for public knowledge and scrutiny.

In addition, the fish and fish habitat amendments introduce proponent-led habitat banking, so that industry proponents or municipalities are able to more effectively plan long-term projects that need to be offset with conservation projects.

Habitat banking will assist in managing residual harm more effectively and help better mitigate habitat loss overall due to development projects.

In respect of Indigenous reconciliation and partnering, fisheries resources and aquatic habitats have important social, cultural and economic significance for many Indigenous peoples.

Respect for the rights of Indigenous peoples should, and I believe must, include taking into account both the interests and the aspirations of Indigenous peoples in fisheries-related economic opportunities and in the protection of fish and fish habitat.

Thus, the proposals of Bill C-68 are means to hopefully contribute to the renewal of the nation-to-nation relationships that are so essential as we look to our future together.

To further this goal, Bill C-68 proposes amendments that set the stage for collaborative partnerships with Indigenous peoples, making clear the duties and obligations of the Minister of Fisheries. That is, the minister must consider adverse effects that his or her decisions may have on the rights of the Indigenous peoples of Canada.

Bill C-68 will also enable the minister to establish multi-interest advisory bodies to support the carrying out of the purposes of the act that can—and, by the way, I emphatically feel should—include Indigenous representation.

This puts the rights of Indigenous peoples of Canada at the forefront of decisions, exactly where they should be. This is a most welcome change.

This bill also proposes a provision that will enable the minister to enter into agreements with Indigenous governing bodies to further the purposes of the Fisheries Act, an opportunity currently only provided to provinces and territories. This is also a welcome improvement.

These agreements can serve as the foundation for formalizing how the government works with Indigenous communities to manage collective interests in fisheries and fish habitat.

Given the proximity of many Indigenous communities to areas where projects that may affect fish and fish habitat are proposed, many Indigenous communities indicated willingness to take on some of the roles currently conducted by the Department of Fisheries and Oceans Canada.

The activities that were most commonly cited were reviews of projects relative to impacts on fish and fish habitats, monitoring and enforcement.

Bill C-68 will also enable the making of regulations to allow for longer-term leases and licences, those in duration greater than nine years. Currently, the Governor-in-Council can issue longer-term leases.

Enabling regulations would mean aligning the duration of licences held by Indigenous communities for periods of time equal to fisheries-related and time-limited agreements. This provision is not solely limited to Indigenous communities but could also be used to provide stability and predictability in any fishery over the long term.

Honourable colleagues, allow me to be candid. I support this bill and the improvements it seeks to deliver. I feel these provisions can help promote a more collaborative relationship based on the recognition of the nation-to-nation reality.

But in all candour, I'll be watching closely to see whether the aims of these provisions will manifest the improvements they promise. The relationship between First Nations and DFO cannot yet be described as healthy or robust. I'm hopeful that it can be measurably improved.

I'm reassured by both the Minister of Fisheries and Oceans and the deputy minister that a spirit of change and optimism is prevailing within the department. And I'm personally determined to do whatever I can to see that this positive spirit is nurtured and sustained.

But make no mistake; there is work to be done in this regard — and I encourage honourable senators to engage in debate so that we in this place can make certain to the best of our abilities that the provisions of Bill C-68 are robust enough to bring this change about.

Another key and central theme for Indigenous peoples is the government's treatment, handling and consideration of Indigenous traditional knowledge.

• (1430)

The proposed amendments in Bill C-68 require the minister to consider the traditional knowledge of Indigenous peoples of Canada when making certain decisions, specifically those that involve fish and fish habitat. Indigenous knowledge can include knowledge of the land, of species, of our ecosystems and all their complexities.

Because of the great importance Indigenous knowledge represents for our communities, the government has also included a requirement that confidential Indigenous knowledge provided to the minister must be protected, something long called for by Indigenous people. This means that when Indigenous knowledge is shared with respect to decisions made under the act, the information is to be kept confidential and will not be shared with the public or with the media, which is as it should and must be, the only exceptions for disclosure being when the knowledge holders — that is, the Indigenous community — consent to its disclosure, or for other reasons such as purposes of natural justice, procedural fairness or where knowledge is already publicly available.

I agree with this progressive change, but with a few caveats. Indigenous knowledge and the elders from whom it flows are sacred in our communities. They are not to be trifled with or exposed to any degree of cavalier behaviour whatsoever. DFO is by no means renowned for its sensitivity to Indigenous peoples, practices and customs. Thus, this is an area where much caution will need to be exercised and in which the need for Indigenous sensitivity training of departmental staff is obvious and nothing short of critical.

Colleagues, there are a number of other areas where the bill has been updated and modernized to provide safeguards that meet the ecological and environmental challenges of the 21st century. Let me touch on some of them. The proposed amendments include: new provisions requiring the maintenance of fish stock; empowering the Governor-in-Council to make new regulations, including regulations respecting the rebuilding of fish stocks; empowering the minister to make fisheries management orders prohibiting or limiting fishing for a period of 45 days to address a threat to the proper management and control of fisheries and the conservation and protection of fish; empowering the minister to make regulations for the purposes of conservation and protection of marine biodiversity; authorizing the regulation of the importation of fish, shellfish, crustaceans and marine mammals; updating and strengthening enforcement powers as well as establishing an alternative measures agreements regime; equipping the act with modern provisions such as setting of fees, requesting of information and the periodic review of the act; and prohibiting the capture of a cetacean, that is, a whale, dolphin or porpoise, in Canadian waters with the intent to take it into captivity unless authorized by the minister as required by circumstance. This includes when the cetacean is injured, in distress or in need of care, which as senators know, is also a proposal of former Senator Moore's and now Senator Sinclair's Senate Public Bill S-203.

We have had some heated and long debates on the captivity of whales, both here and in committee. Recently, the topic was brought front and centre with the public discussion of J-50, the young orca on the coast of British Columbia that scientists considered temporarily capturing to try to save its life as the individual had become badly underweight.

Bill S-203, ending the captivity of whales and dolphins act proposes amendments to the Fisheries Act that would prohibit capturing a cetacean when the intent is to take it into captivity unless circumstances so require, such as when the cetacean is injured, in distress or in need of care.

Colleagues, the fish stock provisions under Bill C-68 align Canada with the international consensus on setting a legal obligation when major fish stocks are below sustainability levels. Under the proposed legislation, the minister shall implement measures to sustainably manage or rebuild fish stocks that are prescribed in regulations.

When this is not possible for biological reasons, or in cases of adverse economic effects some measures may impose on communities, Canadians will be informed of the reasons the

Minister of Fisheries and Oceans has for doing so and what steps are being taken so that the decline is mitigated to the extent possible.

Bill C-68 also introduces two important tools to address area-based management under the Fisheries Act. The first tool is the fisheries management order.

Bill C-68 adds modern provisions for the proper management and control of fisheries to the minister's authority so as to be able to amend licence requirements once a fishery is under way. These management orders would be used to allow the Department of Fisheries and Oceans to respond to emergent issues affecting the conservation and protection of fish in a targeted, area-based and time-sensitive manner.

The second tool is the ministerial authority to make biodiversity protection regulations. As this chamber has discussed with Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act, Canada has committed to meeting marine conservation targets protecting 10 per cent of our marine and coastal areas by 2020. This tool provides new authority to restrict specified fishing activities for the purposes of conserving and protecting marine biodiversity over the long term.

These new regulations will establish marine refuges and complement our Oceans Act Marine Protected Areas proposed under Bill C-55.

In conclusion, honourable senators, Bill C-68 addresses a number of areas to update and modernize the Fisheries Act. It restores protections for fish and fish habitat with a clear road map for large and small projects that will bring needed predictability for the industry.

Canadians will now be able to hold their government to account through a transparent and accessible registry on fish and fish habitat decisions.

And perhaps most importantly for the Mi'kmaq, Bill C-68 provides a constructive framework with practical mechanisms and tools to further the cause of reconciliation, to further affirm the Mi'kmaq right to fish and to set the stage for Indigenous partnering agreements.

I encourage honourable senators to learn more about Bill C-68, to study and debate its provisions and, if necessary, identify means of improving them. I make this encouragement as a maritime Mi'kmaq senator with a deep and abiding connection to the ocean and to the creatures who abound in its waters.

John F. Kennedy once noted the deep attachment mankind has to the sea. He said:

> I really don't know why it is that all of us are so committed to the sea, except I think it's because in addition to the fact that the sea changes, and the light changes, and ships change, it is because we all came from the sea. And it is an interesting biological fact that all of us have in our veins the exact same percentage of salt in our blood that exists in the ocean, and, therefore, we have salt in our blood, in our sweat, in our tears. We are tied to the ocean. And when we go back to the sea . . . we are going back from whence we came.

In recognition of this, I encourage all honourable senators to join in the dialogue needed to make Canada's fisheries sector as vibrant and as sustainable as it can be.

Wela'lioq. Thank you.

Hon. Donald Neil Plett: Would Senator Christmas take a question?

Senator Christmas: Yes.

Senator Plett: Thank you for your speech. I wasn't going to ask a question until you brought Bill S-203 into this debate.

When Minister LeBlanc was here a few months ago, I asked him a question about Bill S-203 and I asked him about Bill C-68. I asked him whether he felt this struck the right balance. He said yes, he did, and he went on to say that he believed Bill S-203 was provincial jurisdiction and should not be dealt with by the federal government.

Have you had conversations with the government to ask why in Bill C-68 they didn't include what Bill S-203 tries to do? Since they're already dealing with the capture of live cetaceans, why wouldn't they have included what Bill S-203 does?

• (1440)

Senator Christmas: Thank you for the question. This topic has generated a lot of debate over the last couple of years, since the time I've been here, and I have to be honest with you that I'm still sort of bewildered by the whole topic.

The bill passed the House of Commons and it's here. I would welcome further discussion on this at committee level to see how those two bills interact with each other. I don't know the answer, personally, but I'm looking for a process and a means to begin looking at that topic.

Senator Plett: So you have not had a conversation about whether Bill S-203 is provincial, what they have here is federal and that there is a very distinct difference here?

Senator Christmas: That's correct, senator.

Senator Plett: Thank you.

Hon. David Tkachuk: Thank you for your speech. You had mentioned the study in committee and ways to improve the bill. Are you open and has the government given any indication that they'll be open to amendments in committee on this bill?

Senator Christmas: Thank you, Senator Tkachuk. Yes, I have received assurances that the government would be open to amendments.

Senator Tkachuk: Are you as the mover of the bill also open to amendments along with your group in the ISG?

Senator Christmas: Yes.

Senator Tkachuk: Excellent.

Hon. Lillian Eva Dyck: Would the senator take another question?

Senator Christmas: Yes.

Senator Dyck: Senator Christmas, thank you very much for that thorough speech and the explanation of the bill. I was encouraged by the movement of the government to respect and implement inherent Aboriginal rights.

You spoke about the non-derogation clause within the bill. As you know, last night when we were at the Aboriginal Peoples Committee, there was reference made to the Legal and Constitutional Affairs report from 2007, spearheaded by Senator Watt and Senator Sibbeston, that put forth the "Cadillac version," if I may, of the non-derogation clause. I'll read it into the record. My question would be: Is the non-derogation clause within Bill C-68 what was recommended in this 2007 report 2007 developed by Senator Watt and Senator Sibbeston? It reads:

> Every enactment shall be construed so as to uphold existing Aboriginal and treaty rights recognized and affirmed under section 35 of the *Constitution Act, 1982*, and not to abrogate or derogate from them.

Senator Christmas: Yes, that is a concern I share as well after studying Bill C-68. I actually looked at other bills that are before the chamber as well. There seem to be various wording of the non-derogation clause when it comes to Indigenous rights, so that is a concern.

I was very encouraged last night at the Aboriginal Peoples Committee to learn that the Senate had studied this matter back in 2007. I'm looking forward to studying that topic in detail at committee, and I'd like to look at those various versions of non-derogation clauses in federal laws to see how they compare. I look forward to that study.

(On motion of Senator Martin, debate adjourned.)

CANADA LABOUR CODE
PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT
BUDGET IMPLEMENTATION ACT, 2017, NO. 1

BILL TO AMEND — MESSAGE FROM COMMONS — MOTION FOR CONCURRENCE IN COMMONS AMENDMENT AND NON-INSISTENCE UPON SENATE AMENDMENTS — DEBATE ADJOURNED

The Senate proceeded to consideration of the message from the House of Commons concerning Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1:

Wednesday, October 17, 2018

ORDERED,—That a Message be sent to the Senate to acquaint their Honours that, in relation to Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1, the House:

> agrees with amendments 3, 5(b), 6 and 7(a) made by the Senate;
>
> respectfully disagrees with amendment 1 because replacing the word "means" with "includes" would result in a lack of clarity for both employees and employers;
>
> respectfully disagrees with amendment 2 because, in focusing on harassment and violence, it would create an imbalance relative to all of the other occupational health and safety measures under Part II of the Canada Labour Code, and, in addition, other legislation, such as the Employment Equity Act, addresses some of those issues;
>
> proposes that amendment 4 be amended by deleting paragraph (z.163) and by renumbering paragraph (z.164) as paragraph (z.163) because the addition of proposed paragraph (z.163) would mean that a single incident of harassment and violence in a work place would be considered to be a violation of the Canada Labour Code on the part of the employer, which would undermine the framework for addressing harassment and violence that Bill C-65 seeks to establish;
>
> respectfully disagrees with amendment 5(a) because the complaints that are investigated under the section that would be amended do not include complaints relating to an occurrence of harassment and violence; and
>
> respectfully disagrees with amendment 7(b) because this would be inconsistent with the Federal Public Sector Labour Relations and Employment Board's other annual reporting obligations under both the Federal Public Sector Labour Relations and Employment Board Act and Part I of the Parliamentary Employment and Staff Relations Act and because that Board would only be reporting on a small subset of cases in respect of which there are appeals, thus creating a high risk that an employee's identity would be revealed if such statistical data were published.

Hon. Peter Harder (Government Representative in the Senate) moved:

> That the Senate agree to the amendment the House of Commons made to Senate amendment 4 to Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1;

That the Senate do not insist on its amendments 1, 2, 5(a) and 7(b), to which the House of Commons has disagreed; and

That a message be sent to the House of Commons to acquaint that house accordingly.

He said: I rise to speak to the message from the other place on Bill C-65, legislation to address harassment and violence in the workplace. If the Senate accepts this message, Parliament will have passed the legislation necessary to effect the kind of change we need in our federally regulated and parliamentary workplaces.

It has been made clear that workplace harassment and violence continue to affect far too many people in devastating ways: physical and emotional scars, destroyed careers and dashed ambitions.

[*Translation*]

Passage of Bill C-65 marks the beginning of a new reality, one in which tolerance of abusive and violent behaviour in the workplace is a thing of the past.

Honourable senators, I would like to acknowledge the collaboration and excellent work of all members of this chamber and especially the excellent work of the Standing Senate Committee on Human Rights. Thanks to the members of that committee and thanks to all of us, we now have a bill that we can stand behind.

[*English*]

I would also like to recognize the contributions of the witnesses who appeared at committee and shared their expertise and experiences. These individuals provided invaluable insights ranging from expert opinions to deeply personal stories. Their contributions helped enormously to inform the committee's study of the bill.

I would also like to express gratitude to our colleagues in the other place. As you heard, many of the amendments proposed by this chamber have been accepted. Let me give you a couple of examples.

During its thorough study of the bill, this chamber stated that it was necessary to clarify that the Canada Labour Code as amended by Bill C-65 would not supersede the Canada Human Rights Act, which is why they proposed amending the bill to state just that.

[*Translation*]

Honourable senators, our colleagues in the other place recognized the need to be precise in this regard and accepted the amendment. The bill, as amended, is clear: The Canada Labour Code will not supersede the existing message; on the contrary, it will complement it.

[*English*]

This means that employees will understand that they do not have to choose one method of recourse over another. Instead, they will have access to multiple recourse mechanisms.

In addition to making the bill clearer, committee members wanted to ensure that antiquated language was removed from the bill, which is why they proposed removing the terms "trivial, frivolous and vexatious" from the proposed subsection of Bill C-65 describing complaints that the minister could refuse to investigate. They requested that those terms be removed and replaced with the more neutral term "abuse of process." The House of Commons supported this proposed amendment, recognizing that even though these terms are commonly used in law, there is no denying that they have negative connotations.

[*Translation*]

Another amendment that was accepted concerns training for the people who receive the complaints. Senators wanted to ensure that any person appointed by the employer to receive complaints about incidents of harassment and violence would have the knowledge, training and experience with respect to this type of situation and would be familiar with the relevant laws. An amendment was proposed to that end, and it was accepted in the other place.

[*English*]

Another Senate amendment accepted in the other place will ensure we have the data necessary to improve Bill C-65 in the future. The other place accepted this chamber's proposal to include statistical data in the minister's annual report that is categorized as prohibited grounds of discrimination under the Canada Human Rights Act. With these data, which will be provided voluntarily to respect the privacy of those who do not want to divulge such information, we will ensure the bill does what it is supposed to do for those who are most vulnerable in the workplace.

Data from all workplaces covered by Bill C-65, including Parliament Hill, will be captured in this report.

[*Translation*]

Honourable colleagues, as you can see, several amendments proposed by this chamber were accepted.

• (1450)

[*English*]

While not all of the amendments that were proposed were accepted, I feel confident that the goals behind them have been addressed.

For example, one of the amendments proposed would modify the definition of harassment and violence. After months of studying this bill and hearing from a wide range of experts, the House of Commons committee introduced and agreed to a definition with input from all parties.

The amendment proposed by this chamber regarding the definition to address harassment and violence in the workplace was, therefore, not accepted.

Another proposed amendment intended to advance gender equality and address issues of racism and discrimination. This amendment would have created new expectations that are not currently addressed under the Canada Labour Code.

The amendment was not accepted given that other legislation, such as the Employment Equity Act and the Canadian Human Rights Act, addresses these matters.

The Canada Labour Code, which is not meant to address these issues, does not trump, if I can use that word, these laws but, rather, works in tandem with them.

In some cases, this chamber proposed amendments that will be addressed through regulations. For example, one of the amendments proposed was aimed at ensuring that the employee and the complainant receive in writing a copy of the investigation report. This clause has been added to a section speaking to protocol for complaints other than those relating to an occurrence of harassment and violence, and this amendment was therefore not accepted by the other place. However, the intention of the amendment will be addressed by regulations requiring that a copy of the report be provided to all parties.

Another proposed amendment related to data collection on appeals heard by the Federal Public Sector Labour Relations and Employment Board. The report in the legislation where this amendment is added only includes data on appeals to the board. The report that this amendment pertains to does not capture the total number of incidents of harassment and violence occurring in parliamentary workplaces. Rather, those data are included in the Minister of Labour's annual report, mentioned in the other amendments from this chamber.

Further, this subset of data will be so small that to categorize it as per the amendment — for example, on grounds of discrimination as outlined in the Canadian Human Rights Act — risks identifying those who come forward, thereby breaching privacy and discouraging others from doing the same. This risk would be contrary to one of the foundational principles of Bill C-65, which is to protect the identities and privacy of all parties involved.

Honourable senators, it is my view that both chambers went as far as they could to produce the best bill possible, and that is the bill that is before us today.

[*Translation*]

Bill C-65 was a robust bill when introduced, and now it is even better thanks to those who devoted time and effort to improve it.

[*English*]

It is now incumbent upon us in the Senate to ensure the timely passage of this important bill. Following the passage of Bill C-65, work remains to be done on the regulations that will support its implementation in the thousands of workplaces under federal jurisdiction. The sooner these regulations are in place, the sooner we can begin to see real change.

I believe that the culture change we need is already under way, but I also believe that Bill C-65 is an essential part of reaffirming the cultural change needed to come.

With that in mind, I strongly encourage all members of this chamber to concur with the message we have received and give their full support to Bill C-65.

Thank you.

Hon. Michael Duffy: Colleagues, thank you, and thanks to Senator Harder for all of his important work on this important legislation.

Just one point of clarification: In your speech, you made at least two references to this act applying to Parliament Hill. Does this mean now that our political staff will be covered by the Charter of Rights, that we're no longer going to see the situation where things happen here and end up being swept under the rug? Does this cover everybody — not just those who are public servants, but everyone employed in senators' offices on Parliament Hill?

Senator Harder: Thank you, senator. This is ensuring that all federal jurisdiction entities, including Parliament Hill, are subject to the complaints processes of this act. That is new, and it has been welcomed by all.

I would also not wish to pre-empt, but the sponsoring senator, Senator Hartling, will be speaking right after me to the enforcement of this act and its coming into force, which we all expect to happen as part of the change process here.

Hon. Nancy J. Hartling: Honourable senators, it's a good day for me. It's Persons Day, and I get to speak on this bill, the first bill that I've sponsored.

I would like to begin by saying how important Bill C-65 is and that it is a crucial step forward in protecting employees in federally regulated workplaces from workplace harassment and violence — including sexual harassment — but most notably, once it is implemented, staff who work on Parliament Hill, including those in our very own offices, will also be protected.

As Senator Harder has detailed, the government has accepted many of the amendments put forward by the Senate. He explained all of the amendments very clearly, so I'm not going to go over the list again, but I would like to highlight the fact that, from the beginning, the minister responsible for this bill, Minister Hajdu, said she would consider any good amendments put forward to improve and strengthen the bill, and I believe that she has been true to her word.

This summer, the government held consultations on the regulations, and it issued a consultation paper which covered some of the things the minister and her departmental officials had promised when they appeared before our Standing Senate Committee on Human Rights.

For example, those include focusing on early resolution, preventing violence by focusing on increased education and awareness in the workplace, and detailing the key roles of the competent person and the workplace committee.

Initially, I decided to sponsor Bill C-65 in the Senate because I feel very passionate about human rights and addressing violence and harassment. I am pleased with the message we have received and with the approved amendments.

Once the bill receives Royal Assent, we will see positive benefits for employees, employers and society as whole — a great cultural shift, I believe. Some of these benefits, as detailed in my second reading speech, will include a clearer understanding of what workplace harassment and violence is and what behaviours are unacceptable; a better understanding for employees that they have a right to be safe and protected, which will hopefully lead to more willingness among them to speak up; proper mechanisms in place to help victims to move forward; and, ultimately, a significant culture shift in the workplace where there is zero tolerance for harassment and violence.

I would also like to remind you of the three pillars of this legislation, which I call PRS: P, for preventing incidents of harassment and violence from occurring; R, for responding effectively to those incidents if and when they do occur; and S, very importantly, for supporting the victims, survivors and employers in the process.

A work environment that is free of harassment and violence should be a right protected by law, and not a privilege. It's Women's History Month in Canada, a time to celebrate the achievements and contributions of women and girls across our country and throughout our history.

Having a safer workplace will increase women's abilities to achieve their goals. However, this legislation is inclusive and will offer protection for all of us.

I deeply appreciate all of the collaborative efforts of everyone who contributed to Bill C-65, especially the witnesses who had the courage to come forward and tell us about their situation, and all of our colleagues.

Let us not delay this bill any longer. I urge you to address this message promptly.

Thank you.

The Hon. the Speaker pro tempore: Do you have a question, Senator Martin?

Hon. Yonah Martin (Deputy Leader of the Opposition): Yes. Before I adjourn for the balance of my time, I wanted, for the record, on this important day, to acknowledge the work you did, Senator Hartling, with this bill, and the work that our committee did.

We did hear from witnesses that really compelled us to do the right thing, so I just want to assure the chamber that this is not a delay, but that I will adjourn for the balance of my time. I anticipate —

• (1500)

The Hon. the Speaker pro tempore: Senator Martin, other people wanted to debate.

Senator Martin: Are there others that wish to speak? I apologize. I will adjourn after that is done.

Hon. Jane Cordy: Honourable senators, I want to thank Senator Hartling for the tremendous job that she did at the Human Rights Committee in guiding this bill through the committee, and Senator Pate, who brought forward some excellent amendments, some of which were accepted by the minister. I want to thank Minister Hajdu, because this legislation and the efforts to make things better on Parliament Hill are long overdue. I want to thank Minister Hajdu for bringing it forward.

There is definitely a culture change, but it's really important that it's in legislation. The culture can change, but when employees on Parliament Hill actually see legislation and what their rights are, it is extremely important. We heard heart-wrenching evidence from employees on Parliament Hill about situations that happened to them, and we certainly don't want that to happen again. Senator Hartling commented about her P's and R's, about prevention, and that is the first thing we want so we don't even have to look at the bill. But we want these things not to happen at all on Parliament Hill, or anywhere in Canada for that matter. If in fact they do, we can respond effectively. Someone made the comment earlier that sometimes these things were pushed under the carpet and not spoken about because we don't want things to look bad. With this bill, people have a process that they can work through if something happens to them, that it's not being done behind closed doors and it's not having to meet in camera, in fact, they have a way to resolve the situation.

I believe this bill is a very positive step for all of us here on Parliament Hill and for people in Canada, and that this bill will make things better.

Hon. Marilou McPhedran: Honourable senators, my remarks will be brief. This bill, including the modification, deserves our support, and we can be proud of both the content and the process of amendments made through the collaborative process led by Senator Hartling, as the sponsor, and the Senate Human Rights Committee.

The amendments we made, facilitated through Senator Pate, have been accepted in the other place. They were developed through extensive consultation and they were accepted by all members of the Senate Human Rights Committee.

You have heard already from Senators Harder, Hartling and Cordy about what this bill will do, and I share in their positive assessment and welcome the message we received today. But, in closing, I ask that we also keep in mind what this new law will not do and what it will not fix. We are members of a self-regulating body that is not subject to most of the administrative laws to which other self-regulating bodies in Canada must adhere. And so our credibility is affected greatly by the choices we make through internal rules of procedure and our code of ethics.

Currently, some of our colleagues on the Senate standing committees that govern our ethics and internal economy are actively engaged in our reviews of our ethics code, as well as our policies and procedures in relation to cases of harassment, including sexual harassment, that are alleged to occur in our

work environment. Bill C-65 will, for the first time, bring some consistent and defined legal standards to the Senate in cases of harassment — a good thing. But let us not be lulled into thinking that the crucial reviews that are under way, led by Senator Andreychuk and Senator Saint-Germain, are no longer crucial or urgent. Through these reviews and information brought here by senators who have spoken — and have yet to speak — on Inquiry No. 26 on sexual and other harassment in the Senate, we can be assured that senators will persist in holding ourselves publicly accountable in accordance with our code, including the 2014 amendment, section 2.1, that senators "shall give precedence to our parliamentary duties and functions over any other duty or activity."

Thank you, *meegwetch*.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE
DEPARTMENT OF JUSTICE ACT

BILL TO AMEND—THIRD READING—
MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Pratte, for the third reading of Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act.

And on the motion in amendment of the Honourable Senator Pate, seconded by the Honourable Senator Deacon (*Ontario*):

That Bill C-51 be not now read a third time, but that it be amended

(*a*) in clause 10, on page 5,

(i) by replacing lines 17 to 20 with the following:

"**(b)** the complainant is incapable of consenting to the activity in question for any reason, including, but not limited to, the fact that they are

(i) unable to understand the nature, circumstances, risks and consequences of the sexual activity in question,

(ii) unable to understand that they have the choice to engage in the sexual activity in question or not, or

(iii) unable to affirmatively express agreement to the sexual activity in question by words or by active conduct;", and

(ii) by adding the following after line 20:

"**(2.2) Section 153.1 of the Act is amended by adding the following after subsection (3):**

(3.1) For greater certainty, capacity to consent at the time of the sexual activity that forms the subject-matter of the charge cannot be inferred from evidence on capacity to consent at the time of another sexual activity."; and

(*b*) in clause 19, on page 9,

(i) by replacing lines 20 to 23 with the following:

"**(b)** the complainant is incapable of consenting to the activity in question for any reason, including, but not limited to, the fact that they are

(i) unable to understand the nature, circumstances, risks and consequences of the sexual activity in question,

(ii) unable to understand that they have the choice to engage in the sexual activity in question or not, or

(iii) unable to affirmatively express agreement to the sexual activity in question by words or by active conduct;", and

(ii) by adding the following after line 23:

"**(2.2) Section 273.1 of the Act is amended by adding the following after subsection (2):**

(2.1) For greater certainty, capacity to consent at the time of the sexual activity that forms the subject-matter of the charge cannot be inferred from evidence on capacity to consent at the time of another sexual activity.".

Hon. Frances Lankin: Honourable senators, I rise today to speak to Senator Pate's proposed amendment to Bill C-51, which is An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to other Acts. The amendment itself deals with the provision relating to capacity to consent and I'm going to concentrate my remarks on that particular issue.

I can't help but join the voices today about the importance of this being Persons Day and how timely it is for us to be debating this particular amendment right upon the heels of the beginning of the debate with respect to the workplace harassment provisions for the Labour Code.

I'm pleased to hear Senator Harder's comments about giving clarity of what people's rights are in terms of their choice. I would say that holds true in terms of the amendment we're going to be discussing, Senator Martin's comments in support in general, and your tribute, as others made, to the witnesses that came forward and helped compel us to do the right thing. I hope we will keep that in mind as we speak about the victims of sexual assault in this amendment and what it purports to do.

Other notable lawyers and former judges will speak to this and the legal nuances. I appreciate that, but I note in advance that they will be speaking to their view of how the courts already interpret the consent provisions with respect to sexual assault. My concern is not that the judiciary isn't already compelled to consider the issue of consent as being set out for years, that consent must be considered to be given at all stages of sexual interaction. It's a constant requirement. The judiciary for the most part — and I want to stress "for the most part" because there are important notable and horrendous exceptions — consider a wide range of factors, depending on the facts that are before them in any given case, including in a sexual assault case.

I support the broader concept of judicial independence and respect for the breadth of judicial considerations. For example, I don't support the concept of mandatory minimum sentences, because I believe that, for the most part, judges should be allowed the full breadth of consideration of all the relevant circumstances in the determination of an appropriate sentence.

It may at first blush appear that my support for Senator Pate's amendment is contradictory to that; I don't believe it is. I believe the law must be a reflection of the experience of Canadians. In this case, I'm speaking primarily of Canadians who are victims and survivors of sexual assault.

We must always give thought to the social and cultural environment in which these laws are going to be interpreted and applied. Please bear with me if I don't go into the legalities but spend time exploring that social and cultural environment a bit for our collective consideration.

I want to begin by reflecting on comments by Senator Andreychuk in her second reading debate on Bill C-337. You will remember that Bill C-337 was moved in the House of Commons by former MP and Conservative leader Rona Ambrose. It is a bill to bring about further training for the judiciary with respect to sexual assault, the complexities of those cases and the considerations of the victims, and of how they apply and interpret the law. I support that bill and spoke in favour of it at second reading.

• (1510)

Senator Andreychuk spoke about the importance of understanding that there are still judges who are presiding over these cases who have a total misunderstanding of what constitutes sexual assault and the burden that it puts on the lives of victims. She went on to say that this lack of understanding signals to victims of sexual assault that they should keep their suffering secret instead of denouncing their aggressor.

I want to quote directly from the case that Senator Andreychuk gave as an example, which she did for the sake of brevity. There are many other cases that could have been brought forward. She referred to the controversial case of former Justice Robin Camp. He became the subject of a removal hearing before the Canadian judicial council and she quoted some of the findings of that Canadian judicial council regarding the conduct of the judge. Let me quote her directly. I'm quoting the counsel in their report, which she read into the record for us here:

> That conduct included asking the complainant, a vulnerable 19-year-old woman, "why didn't [she] just sink [her] bottom down into the basin so he couldn't penetrate [her]" and "why couldn't [she] just keep [her] knees together," that "sex and pain sometimes go together [...] – that's not necessarily a bad thing" and suggesting to Crown counsel "if she [the complainant] skews her pelvis slightly she can avoid him."

Senator Andreychuk went on to say that the committee found the judge made comments or asked questions evidencing an antipathy towards laws designed to protect vulnerable witnesses, promote equality and bring integrity to sexual assault trials. It also found that the judge relied on discredited myths and stereotypes about women and victim blaming during the trial as in his reasons for judgment.

Those myths and stereotypes about women and victim blaming are still quite prevalent, despite the #MeToo movement. They are shockingly prevalent, even at the highest levels. Recently, President Trump and his mocking, shaming and blaming of Christine Blasey Ford was, in my view, reprehensible. I can't think of another word. I was shocked, and he doesn't shock me often because I've become acclimatized to statements that are bewildering to me.

These myths and stereotypes permeate our culture. Our laws have to be interpreted within that, and we're trying, through these amendments — — a series over the years — to eradicate those myths and stereotypes. Today, with statements from some of the highest-placed people in North American society and through widely revitalized spieling of these myths and stereotypes through social media and the like in response to the #MeToo movement, tend to build the case for women not to come forward. How will they be treated? How will their fact situation, how will their lack of consent be understood and accepted by the judicial process?

I'm filled with optimism by the millions of women who are raising their voices, but we still know that too many women do not come forward. They're unable to come forward because of fear for the re-victimization that happens through the judicial process, an experience that we can see many women have suffered and the process that has contributed to the development of PTSD for many victims. It's often referred to where, workplace or in a subsequent proceeding, there is sanctuary trauma. Well, certainly for a victim of a crime, the court should be a sanctuary, and too often, not exclusively — and I don't want to overblow this, because I think the judiciary largely does the right thing — but too often these cases come forward and these victims are re-victimized.

The laws we pass today must reflect the environment of today. The provision of bringing clarity to the inability to consent while you're unconscious is welcome, but it's remarkable to me that it's required. Yet here we see, seven years after the decision in *R. v. J.A.* where that issue was determined. Again, with the sense that it wasn't necessary but because of actions of judges on appeal, this was overturned and it was determined to be clear that

someone who is unconscious can't give consent. In spite of that, seven years later we're dealing with this. You may remember the case of *Bassam Al-Rawi*, where a taxi driver was found by the police to be sexually assaulting a woman in the back of his cab who he had picked up and who had no recollection of that assault, a case of unconsciousness. In this case the initial judge rejected the premise that she had not given consent because she was unconscious.

Now it's deemed necessary to bring clarity to the Criminal Code to ensure that judges and all others in the system — defence, prosecutors — know that a woman cannot give consent when she is unconscious.

However, if we deem that this is necessary, surely it's necessary to give further direction based on our common values and our understanding that capacity to consent must be significantly more nuanced than that. The recent *Barton* case, with Ms. Gladue as the victim, certainly underscores this. In fact, as was pointed out by Chief Justice McLachlin in her written reasons in the decision of *R. v. J.A.* — and I'm going to refer to that decision because I think her comments are important — she is much more nuanced than the current provision that is coming forward. While she states that certainly unconsciousness, it's quite clear that there's a lack of capacity. She also questions some of the provision of how Parliament has defined capacity. In that questioning she says that it's not up to the courts to make exceptions to that. The appropriate body to alter the law on consent in relation to sexual assault is Parliament, should it deem it necessary.

So we have the scope, we have the right and we have the fractured situations in front of us that I believe compel support for Senator Pate's amendment.

Senator Harder, in his comments in opposition to this amendment, made some important comments. He rightly points out the high quality of deliberation of the committee members who considered this amendment, and he pointed out that the committee defeated the amendment.

I want to add the colour commentary to that, which is that the vote on this amendment that's before us now had a vote of six senators on one side and six senators on the other side, and therefore lost, as is the process. It didn't gain the majority support. It's clear that there are different understandings and different compelling views of this, and it is rightly before us now as an amendment at third reading, and that all of us have an opportunity to express our opinion on this through our vote that will come forward.

I want to make a comment about why I believe that this is within the purview of senators to move this amendment. Of course, we can move any amendment and accept any amendment, but I work very hard to try to understand the scope of our work in relation to the House of Commons. For me, this is not only a policy difference with the government. We have a duty in responding to the needs of minority populations. Now, the majority of victims of sexual assault are women, not exclusively, and women are not a minority in this country. But the fight for our rights, whether it be the right to vote, as we're here on Persons Day, whether it's the right to have our voices heard, that no means no, that we explicitly have to say yes, those cultural norms of gender discrimination that we are all fighting against, which we are evolving and changing, they still exist and they push women, and especially those who are victims of sexual violence, into the role of a minority.

• (1520)

I believe it is important for us to ensure that we are protecting their rights. In this case, a situation similar to the comments made about the sexual harassment amendments to the Labour Code, people have a right to know what their rights are, and it's not just the judge in a case. It's not just the prosecutor in a case. It's not just the defence lawyer in a case and their client. It is also the victim. In determining their ability and willingness to come forward, to raise their voice, it is incredibly important that they know that they will be taken seriously. They know if they say —

The Hon. the Speaker pro tempore: I'm sorry. Your time is up.

Senator Lankin: May I have five more minutes, please?

The Hon. the Speaker pro tempore: Is it agreeable, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Five more minutes.

Senator Plett: In the spirit of cooperation.

Senator Lankin: Thank you, senator.

They need to be able to read the law and know their rights. They need to be able to know that if they are at a social gathering and participate in the consumption of alcohol which takes them to a certain point of being unable to give consent, that will be listened to and explicitly considered.

Judges do and have, as I said, given consideration to this for a long time, but the kind of cases — and we can bring many more examples forward than the one I cited from Senator Andreychuk or the *J.A.* case or the *Al-Rawi* case or the *Barton* case. In these situations, when we see the travesty of the application interpretation of the law until we go through an appellate process, which is another re-victimization of the victims, we can see that women need a clear line of sight to their rights if we want to encourage the continuation of their voices being raised.

I come back to the contention I have made that this law must be written in the context of our times. This is a time of small "r" revolution around the understanding of gender roles, gender oppression and discrimination. I don't want to just use cliché words, but they're real and meaningful.

I have my own response to all of this, which, as you may have seen, is somewhat emotional. I'm angry, and I don't believe in making laws out of emotion. I do believe in clarity; I do believe in the appropriateness of Parliament giving direction; and I believe in that being used in addition to the breadth of judicial consideration of all relevant factors.

So, colleagues, I urge you to support this amendment. I believe that there are many victims of sexual assault who will feel a sense of having been heard, having been comforted and, most importantly, being listened to if we vote in favour of this amendment. Thank you very much.

[*Translation*]

Hon. Lucie Moncion: Would Senator Lankin take a question?

[*English*]

Senator Lankin: Yes.

Senator Moncion: Senator Lankin, you alluded to the #MeToo movement. Were you aware — and this is something that I read this morning —that since the #MeToo movement, a Toronto hospital, and I don't remember which one, was saying that they were going from maybe three or four assaults being brought into the hospital in a month, to 26,000 in 2017 — 20,000 in a year? Were you aware of these statistics?

Senator Lankin: Thank you very much for your question, Senator Moncion. Yes, I read a report of that. I do not remember the exact hospital. It's why I made the point that in response to the #MeToo movement, we see a proliferation of certainly discriminatory comments and a perpetuation of the myths and stereotypes in the blaming of victims. It is a push-back. I am pleased, as I said, that more and more women, as you've just indicated by those statistics, are willing to come forward, but there are many still who do not. It is, I believe, incumbent on us to create the right conditions for a victim to see themselves in the law, see their rights, and feel a sense of confidence that they will be fairly treated in the judicial process.

(On motion of Senator Dalphond, debate adjourned.)

CUSTOMS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Coyle, seconded by the Honourable Senator Pratte, for the second reading of Bill C-21, An Act to amend the Customs Act.

Hon. Marc Gold: Colleagues, let me try to bring us up to date on where we were when I left off last.

As I said in my opening remarks on Bill C-21, I've been spending a fair bit of time thinking about national security and its relationship to our constitutional rights to privacy. That's why I'm pleased to be speaking in support of Bill C-21 because in its own way I think this bill also contributes to our national security while respecting our rights to privacy.

As you know from Senator Coyle's second reading speech and from my comments, we all are used to sharing certain data when we leave Canada to go to the United States. We give them our name and number and passport number, in fact, all the information on page 2 of our passports. You might realize that when we leave the country, we don't give that information to our officials at the Canada Border Services Agency. In fact, there's no mandate for them to collect that information. In that respect, we're offside not only our democratic allies but most countries in the world. All of us are used to leaving countries and providing that exit information.

Bill C-21 fills that gap and brings us into line with the rest of the world to a large degree. It will also allow us to enter into arrangements with the United States, in fact, an arrangement that was made by the former Prime Minister and President Obama back in 2011.

The important thing is that the exit data that our CBSA officials will gather when Canadians leave either by land or in other respects — and the law has all the technical features you'd expect — can be shared, when Canadian law so provides, with other Canadian agencies dealing with national security or the integrity of our immigration and other social welfare programs. That's where we left off, so let me continue.

In my view, enabling Canadian and U.S. authorities to work together to exchange information pursuant to laws and agreements and subject to oversight is, in a word, essential for our national security. For example, it was only two summers ago, in Strathroy, Ontario, when Canadian authorities were able to prevent a planned terrorist attack that was due to information shared by the United States, and because of an FBI tip, the RCMP and local police were able to prevent a much larger tragedy.

So working in concert with our American partners and exchanging information with them according to the rules is very important to our national interests. Simply put, knowing where a person is is crucial to law enforcement and to national security. Without reliable exit information, authorities simply can't be certain whether a suspect or a wanted person has left the country or whether they're still at large in Canada.

The Minister of Public Safety and Emergency Preparedness put it succinctly in the other place when he stated:

> This bill will close a gap in our security and administrative framework by giving a clearer picture of who is actually exiting Canada at any given moment in time so that we can better ensure the efficient movement of legitimate trade and travel and keep our borders secure.

In the debates in the other place, concerns were expressed about the adequacy of the oversight and review mechanisms that would apply to the gathering and sharing of this information, as well as the bill's impact on Canadians' right to privacy.

• (1530)

These are important issues, and I have absolutely no doubt that they will be examined extensively in committee. But allow me to make a few brief points.

As for oversight and review, it is true that there is no review body that currently oversees the Canada Border Services Agency, although I do understand that a bill is in the works in the other

place to provide for a review body to deal with complaints. But bear in mind that the entry-exit program will be happening, if this bill is enacted, in the context of an increasingly robust national security accountability structure.

Bill C-22, which we passed, created a new National Security and Intelligence Committee of Parliamentarians, and Bill C-59, which I hope we will send to committee in the near future, will create the national security and intelligence review agency, or NSIRA which will have the ability to review CBSA's actions in respect of national security matters. So there will be a review even if a bill for complaints is not introduced in the other place and ultimately passed here. There will be review, if Bill C-59 is passed, of our border security and national security matters.

Moreover, Bill C-21 that is before us will also complement Bill C-59 in that traveller exit data collected by CBSA can be used to distinguish travellers from people with similar names on the no-fly list, a real problem that we need to address, and it would therefore provide them with a unique identifier to assist with the verification of their identity before a flight.

Let me also say a word or two more about privacy generally. Concern has been expressed about an executive order that was signed by President Trump to the effect that non-U.S. citizens are excluded from the protections afforded by U.S. privacy legislation. Indeed, this was addressed by the Privacy Commissioner of Canada in his most recent report to Parliament where he outlined the steps that his office had taken to seek clarity on travellers' protections and to determine whether U.S. authorities would uphold the privacy protections that are currently included in various multilateral and bilateral agreements.

According to the commissioner, U.S. officials have assured Public Safety Canada that the executive order had not materially reduced privacy protections for Canadians and that certain agreements would continue to be honoured and redress mechanisms would remain in place.

More generally, when Bill C-21 was examined in the other place, the Privacy Commissioner of Canada stated that he was:

> . . . generally convinced that are important public policy objectives that this initiative is trying to address and that the personal information in question is not particularly sensitive.

I remind you, as Senator Coyle did in her remarks, that we're talking about information that's on page 2 of your passport, nothing more and nothing less.

So, honourable senators, I conclude where I began. Bill C-21 will strengthen our ability to provide for our national security. It makes good on a commitment that Canada made seven years ago to our neighbour to the south, and it brings us in line with the practices of our democratic allies. Moreover, it does so without compromising our constitutional right to the privacy of our personal information. That's why I support this bill and encourage you to vote to send it to committee for further study. Thank you.

[Senator Gold]

[*Translation*]

Hon. Pierre J. Dalphond: We have never heard so much about customs in one day. It is no doubt a very interesting subject.

Honourable senators, like my colleague Senator Gold, I rise today to support Bill C-21, An Act to Amend the Customs Act, at second reading and to ask you to send it to the Standing Senate Committee on National Security and Defence for detailed study.

I read this bill carefully. I attended the briefing with Canada Border Services Agency officials and I read the analyses prepared by the Library of Parliament and the International Civil Liberties Monitoring Group.

Honourable senators, after doing all that, there is no question in my mind that this bill improves our integrated system for protecting the security of North American airspace, as Senators Coyle and Gold indicated.

If this bill is passed, it will enable the Canada Border Services Agency to collect information on people leaving the country, including Canadian citizens, thereby giving effect to another aspect of the 2011 agreement between Prime Minister Harper and President Obama.

I would now like to talk about come of the bill's other positive effects not related to national security.

Colleagues, several years ago, presiding over a family matter in the Quebec Superior Court, I was very surprised to learn that Canada was one of the few countries in the world that did not collect information on its citizens' departures from the country, either from those travelling by road through the United States or by plane at a Canadian airport. I was told that if the father — to whom I was proposing to grant custody of the children on weekends and during a few weeks in the summer, on condition that the children did not leave Quebec — decided to leave Canada with his children, the border system would not be able to stop him. The mother feared that he would take advantage of this and bring the children to his country of origin where his entire family lived — a country that was not party to the Hague Convention of October 25, 1980 on international child abduction. In other words, if the children left Canada, it would be impossible to force their return if the father's family was keeping them in another country.

This sad reality was confirmed by the testimony of Martin Bolduc, Vice President of the Programs Branch of the Canada Border Services Agency, before the Standing Committee on Public Safety and National Security, where he said, and I quote:

> Even domestically, we've had instances of parents phoning the police or CBSA because they feared that their kids were about to take a plane to Turkey or Syria. Our ability to act and prevent such departures is very limited, unless we have very specific information about where and when the departure is to occur. With this, if the bill gets royal assent, we will have the ability to do a query and see if we have somebody scheduled to depart on a particular flight.

If Bill C-21 passes, that could change. CBSA officials told me that rulings that impose restrictions on removing children from Canada can be inputted in their system. The same applies when an AMBER alert is issued. The RCMP could then inform CBSA and ask that a lookout be issued for the missing child. In these circumstances, the CBSA could make sure that proper measures are in place to prevent child abductions.

I think this would be a major improvement over the current system.

[*English*]

The third benefit that I see in this bill is the collection of information which can serve to reinforce the integrity of our social benefits programs and our immigration system.

Indeed, exit data will enable the CBSA agents to be more efficient in their enforcement activities.

For example, a person who has received a removal order may very well leave the country on his or her own volition. Without any record of that individual having left the country, authorities may, however, continue to deploy resources to locate the individual.

• (1540)

In this regard, a 2015 report by the Standing Senate Committee on National Security and Defence stated:

> At present, the CBSA's warrants-database contains information on approximately 44,000 inadmissible individuals who did not comply with removal orders, although the agency is unclear about the number of individuals who are still in Canada . . . .

Bill C-21 offers a solution to this challenge by providing the agency with information on individuals who leave the country — although it does not remedy the challenge posed by those who may have already left Canada.

Moreover, in the absence of exit data, it can be challenging to apply the residency requirements that appear in various social benefits programs and the Immigration and Refugee Protection Act. Think, for example, of Employment Insurance, which requires beneficiaries to remain in Canada at all times, save for some exceptional circumstances.

At the time being, the employment and immigration department agents rely on information provided by beneficiaries to confirm their eligibility. I do not doubt that the majority of beneficiaries provide truthful answers. Nonetheless, I believe it's beneficial for the department agents to have the ability to confirm that the answers provided are right.

The bill does not add to the existing conditions of admissibility to social benefits programs. Likewise, it does not change the residency requirements for those seeking to maintain their permanent resident status or obtain Canadian citizenship. It simply offers a new tool to ensure the conditions are, in fact, met.

[*Translation*]

With his very pertinent question to Senator Coyle about the bill at second reading stage, Senator Joyal wondered about the impact the bill would have on mobility rights, set out in section 6 of the Canadian Charter of Rights and Freedoms.

Today, I would like to reassure him, and all Canadians, that the bill would not create exit tracking stations at international airports or at the Canada-U.S. border, as is the case in many countries.

The bill authorizes the collection of information about Canadians leaving Canada. For those travelling by plane, the information will be collected directly by the airline then forwarded to the agency. For those crossing the border on land, the information will be collected directly by the officers of the U.S. border security agency upon entering the United States.

In other words, Canadians will only have to comply with existing formalities when entering the United States or taking an international flight. Their freedom of movement will not be impeded.

Finally, I would like to point out that the bill, as amended at third reading stage by the House of Commons, was supported by almost every political party. I believe that indicates a broad consensus on the merits of the general principles of Bill C-21.

For these reasons, honourable senators, I urge you to adopt Bill C-21 at second reading as soon as possible so that it can be sent to committee for a detailed analysis.

Thank you for your attention.

(On motion of Senator Martin, debate adjourned.)

[*English*]

WRECKED, ABANDONED OR HAZARDOUS VESSELS BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Campbell, seconded by the Honourable Senator Bovey, for the second reading of Bill C-64, An Act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations.

Hon. Fabian Manning: Honourable senators, I rise today to speak to Bill C-64, An Act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations. My colleagues in the Conservative Party and I support the passage of this bill.

Bill C-64 traces its origins to Bill C-695 in the previous Parliament. Bill C-695 was a private member's bill written by a former Conservative MP, Mr. John Weston. Mr. Weston built a broad coalition of support for his bill among all parties. I would like to take this opportunity to congratulate Mr. Weston for his success after years of hard work and thank him for tackling this issue.

Colleagues, Bill C-64 is an excellent example of bipartisan support of common-sense solutions. The basic problem with wrecked and abandoned vessels in Canada has always been a lack of personal accountability. Sometimes when you have an aging vessel, the cost of disposal can be higher than the vessel's salvage value. When that happens, it is cheaper and easier for the owner to simply abandon it in a Canadian harbour or just let it drift away in the ocean and ignore the consequences.

People tend to abandon only boats that are in very rough condition, and they start to rot and list even more after they are abandoned. They can cause environmental damage by leaking pollutants and become a marine hazard to other craft out on the waters. They are most often eyesores which blemish our beautiful seascapes.

Unfortunately, vessels are abandoned all the time in Canada. In the other place, the Vancouver Fraser Port Authority testified that they have spent $2 million over five years to remove 144 boats that were abandoned in their jurisdiction alone. For a large, well-funded entity like the Vancouver port, these abandoned vessels are a nuisance, but for small coastal communities, they are truly a huge problem because there is simply no room in the budget for removing them.

Take, for instance, the MV *Farley Mowat*, a derelict vessel you may have seen in the news recently. In 2014, the owner of this vessel brought it into Shelburne Harbour in Nova Scotia under cover of darkness and abandoned it. Over the next three years, Shelburne was forced to pay out hundreds of thousands of dollars because of the *Farley Mowat*. Shelburne had to pay contractors to pump out the ship's water and sludge and had to hire lawyers to sue the owner.

The town lost income from wharfage fees it could not charge while the *Farley Mowat* took up docking space. Finally, in 2017, the vessel was towed away and scrapped.

I think everyone in this chamber probably agrees that the *Farley Mowat* situation was not at all fair to the taxpayers of Shelburne. Yet, it took three years for the situation to resolve itself, and the owner of the vessel did not face serious consequences for his actions.

Unfortunately, a similar situation has played out for an even longer amount of time in Bridgewater, Nova Scotia. For a decade the LaHave River in Bridgewater has been littered with the derelict *Cape Rouge*, a fishing vessel before it was used in a television show "Haven," and its sister ship, the *Hannah Atlantic*. The *Cape Rouge* sank at the wharf in March 2014 and, according to a claim filed with the Ship-source Oil Pollution Fund, the cost of refloating the ship and containing and removing the oil and fuel was just over $360,000.

In 2016, Transport Canada had a detention order against the *Cape Rouge* and its sister ship at the Port of Bridgewater.

I have my own personal experience in dealing with abandoned and derelict vessels. When I served as a member of Parliament for the riding of Avalon in Newfoundland and Labrador back in 2006-08, I was tasked with the job of trying to find the financial resources and an avenue to have two Lithuanian fishing trawlers removed from the harbour in the town of Bay Roberts, Newfoundland. The two vessels, the *Sekme* and the *Treimani*, had been abandoned by their owners and left to rust and decay as they were tied up to the wharf in this beautiful scenic community.

Tremendous efforts by several individuals and all levels of government to make contact with the owners to receive compensation for the removal, cleanup and disposal of these two major eyesores proved useless. Our hands were tied without an enforcement mechanism in place.

Bill C-64 makes major strides in tackling issues, like the *Farley Mowat*, the *Sekme* and the *Treimani*, by holding vessel owners accountable for their actions. Proposed section 110 provides for prison sentences of up to three years and fines of up to $4 million for owners who irresponsibly abandon their vessels.

I sincerely hope that the introduction of strong penalties like these will prevent owners from abandoning their derelict vessels. The penalties fairly reflect the financial and environmental harm that abandoned vessels inflict on coastal communities.

Colleagues, I have to note that while our party supports this bill in principle, we are closely monitoring the regulations that would flow from it. In the other place, Transport Canada officials were unable to answer many of the questions that were asked of them. For example, Transport Canada was asked about the government's contemplated vessel-owner financed funds to pay for future vessel removals. The department replied that they are examining different models and that, particularly for large vessels, they were not in a position to comment on how that financing model would look.

• (1550)

The answer to that question is of importance to me and to the province of Newfoundland and Labrador. As I noted earlier with the examples I gave you, the majority of large vessels abandoned in Canada are abandoned in the Atlantic provinces. Obviously, they are more expensive and difficult to dispose of properly than a smaller vessel.

The Nairobi International Convention mandates insurance only for vessels over 300 tonnes. For any honourable senators who are unfamiliar with these matters, a vessel under 300 tonnes can still be very, very large. Under Bill C-64, the minister is empowered to write regulations covering vessels under 300 tonnes. We will

review those regulations carefully when they are complete. Our collective goal should be that Canadian taxpayers not be stuck with the cost of removing vessels of any shape or size.

Finally, colleagues, I would like to acknowledge the efforts of a great Canadian veteran, Captain Paul Bender, on Bill C-64. This World War II veteran has campaigned for years on behalf of Canada's ocean war graves, arguing that they should be afforded protected status in Canadian legislation. The Transport Committee in the other place found his testimony so compelling that they unanimously agreed to study the issue. They produced a report, which I encourage you all to read, entitled *Canada's Ocean War Graves*.

Captain Bender reports that there are 19 sunken vessels in Canadian waters that are the final resting places of 480 sailors. The latitude and longitude of every Royal Canadian Navy ship sunk during World War II is publicly available information, but there are currently no Canadian laws protecting them. There is evidence that treasure hunters recently disturbed a sunken Canadian vessel off the coast of Ireland. The same thing could be happening now in our waters.

I would like for Captain Bender to know that we all support the protection of our ocean war graves — at home or abroad — against this type of activity. We will make sure that his mission to protect our sailors' final resting places is successful.

Bill C-64 is long overdue, and while it may not be able to solve all the issues surrounding abandoned and derelict vessels in our country, I strongly believe it to be a major first step in the right direction.

Our priorities should always be the protection of our environment, both on the land and in the sea.

I call on my colleagues today to support this piece of legislation, Bill C-64.

Hon. Percy Mockler: Would the honourable senators accept a question?

Senator Manning: I would.

[*Translation*]

Senator Mockler: Honourable senators, I certainly support the spirit of Bill C-64.

[*English*]

I believe that the spirit of Bill C-64 is certainly a step in the right direction, and, yes, Canada has an important role to play in these particular situations from coast to coast to coast to protect our waterways and quality of life. I know, Senator Manning, with your great experience as a parliamentarian, that when you talk about Bill C-64, it comes from the heart.

Can you inform the Senate of Canada and all Canadians about the Nairobi International Convention in respect to Bill C-64, the spirit of what you're asking the Senate to consider?

Senator Manning: I thank the senator for his question.

The Nairobi International Convention is very detailed. I will give some highlights so that everybody knows exactly what it is.

The Nairobi International Convention on the Removal of Wrecks was adopted in 2007 by an international conference held in Kenya that year. The convention provides the legal basis for states to remove or have removed shipwrecks that may have the potential to adversely affect the safety of lives, goods and property at sea as well as the marine environment.

The convention also fills a gap in the existing international legal framework by providing the first set of uniform international rules and by ensuring the prompt and effective removal of wrecks located beyond the territorial sea.

The convention also includes an optional clause enabling state parties to apply certain provisions to the territory, including their territorial sea.

Here are a couple of articles of the convention just to enlighten honourable senators: One of the articles covers measures to facilitate the removal of wrecks, including rights and obligations to remove hazardous ships and wrecks, which sets out when the shipowner is responsible for removing the wreck and when the state may intervene.

Also, the convention covers the liability of the owner for the cost of locating, marking and removing ships and wrecks. The registered shipowner is required to maintain compulsory insurance or other financial security to cover liability under the convention and settling disputes.

Basically, it just gives more meat to the bones to address the situation.

If you go back, I listed three examples today, two in Nova Scotia and one in Newfoundland and Labrador. There are dozens of examples across our country that have cost taxpayers of Canada millions of dollars while it's somebody else's responsibility. We seem to be becoming a dumping ground for ships from all over the world, and I think Bill C-64 will be one way of trying to deal with that serious situation we face.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Plett: On division.

Senator Martin: On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Harder, bill referred to the Standing Senate Committee on Transport and Communications.)

[*Translation*]

MOTION ADOPTED

ADJOURNMENT

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of October 17, 2018, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 23, 2018, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON OCTOBER 23, 2018, ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of October 17, 2018, moved:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, October 23, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

FOOD AND DRUGS ACT

BILL TO AMEND — MESSAGE FROM COMMONS — MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS — DEBATE ADJOURNED

The Senate proceeded to consideration of the message from the House of Commons concerning Bill S-228, An Act to amend the Food and Drugs Act (prohibiting food and beverage marketing directed at children)

1. *Preamble, page 2*:

   a) replace, in the English version, line 32 with the following:

   "Whereas it is widely acknowledged that market-"

   b) add the following after line 40:

   "Whereas it is necessary to review and monitor the effectiveness of this Act, particularly in light of new forms of advertising;

   And whereas persons who are at least 13 years of age but under 17 years of age are also vulnerable to marketing and its persuasive influence over their food preferences and consumption and it is also necessary to monitor and review the advertising of foods and beverages to that age group;"

2. *Clause 2, page 3*: replace line 8 with the following:

   "***children*** means persons who are under 13 years of age;"

3. *Clause 4, page 3*: add the following after line 28:

   "**7.3** Before the fifth anniversary of the day on which sections 7.1 and 7.2 come into force, those sections are to be referred to the committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established for the purpose of reviewing their effect. The review is, in particular, to focus on whether there is an increase in the advertising of unhealthy food in a manner that is directed primarily at persons who are at least 13 years of age but under 17 years of age."

Hon. Judith G. Seidman: Your Honour, I move that the Senate agree to the amendments made by the House of Commons to Bill S-228, An Act to amend the Food and Drugs Act

(prohibiting food and beverage marketing directed at children) and that a message be sent to the House of Commons to acquaint that house accordingly.

The Hon. the Speaker: It is moved by the Honourable Senator Seidman, seconded by Honourable Senator Boisvenu, that the Senate agree to the amendments made — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: On debate, Senator Seidman.

Senator Seidman: Honourable senators, it is with real joy that I stand before this chamber to speak now as Bill S-228 returns to the Senate for concurrence on amendments made in the House of Commons, for I speak with the voice of our dear friend and colleague Senator Nancy Greene Raine, who retired in June. We all had hoped she herself would be standing here today to speak for the final time on a piece of legislation that she worked on with enormous commitment, a piece of legislation very dear to her heart. She and I have worked closely over the years on these issues of child health, some of which were natural extensions of work done on our Standing Senate Committee on Social Affairs, Science and Technology, particularly our study on obesity.

• (1600)

At the outset, I should say that when I was speaking to Senator Greene Raine recently, she asked that I convey congratulations to Law Clerk Suzie Seo, who worked with her to draft Bill S-228. Senator Raine also consulted widely, both in Canada and the U.S., especially with the Campaign for a Commercial Free Childhood.

Bill S-228, the child health protection act, began its life here, in this chamber, on October 5, 2016, introduced by our colleague Senator Nancy Greene Raine. The bill was studied, amended and passed unanimously by the Standing Senate Committee on Social Affairs, Science and Technology in June 2017. After third reading debate, it was passed in this chamber on September 28, 2017, about one year after it was first introduced.

It is important to note that the version of Bill S-228 that was passed in this chamber would have prohibited the marketing of unhealthy food and beverages targeted to children under the age of 17.

Perhaps now is the time for a bit of history in order to clarify the issue around the choice of the age of target. In the original version of this bill, in this place at second reading, the age of target was children under 13 years of age. The fact that this particular target age had already survived a Supreme Court challenge of Quebec's own legislation, passed in the 1980s, made this choice compelling. The Supreme Court ruling did categorically find that advertising to children was "per se manipulative."

However, a growing body of evidence was developing to indicate that the teenage brain, too, is very susceptible to the powers of persuasive marketing. Supported by many stakeholder organizations working in the obesity field, Senator Greene Raine proposed during the Social Affairs Committee hearings in June 2017 an amendment to raise the age from 13 years to 17 years of age. This amendment was approved in the committee stage.

Now fast-forward to the other place, where Bill S-228 was studied by the Health Committee after their second reading debate just this past June and was amended to change the target age back to the original of under 13 years of age. This amendment was moved by MP Dr. Doug Eyolfson, who was the sponsor of the bill in that place. He stated that his reason for this amendment was that, although he agreed in principle with the importance of protecting children up to the age of 17, there were concerns of a Charter challenge to render the entire bill invalid. Dr. Eyolfson concluded that the original target of 13 years of age, supported by Quebec legislation, would give the bill the greatest chance of success.

Dr. Eyolfson then moved an additional amendment that called for a parliamentary review within five years to assess whether unintended consequences might ensue, particularly an increase in the marketing of unhealthy food targeted at the 13- to 17-year-old age group. This review, designated or established for this purpose, is to take place by both houses of Parliament within five years of the bill's coming into effect.

Senator Greene Raine supports both of these amendments that were passed in the other place.

Honourable senators, I remind you that the genesis of this bill was in the study that the Standing Senate Committee on Social Affairs, Science and Technology undertook because of rising obesity rates in Canada. Rates of obesity have tripled in Canada since 1980, and one in three children between the ages of 5 and 17 years are either overweight or obese. Evidence shows serious consequences for overweight children, who are much more likely to develop chronic diseases later in life.

Obesity research has demonstrated there to be many causes, but, as our Senate committee study concluded, the marketing of unhealthy food and beverages to children has a very negative impact. In our committee's study of Bill S-228, we heard testimony from witnesses who, with the exception of the food and advertising industries, unanimously supported the strictest controls on the marketing of unhealthy food and beverages to children. This testimony led the committee to recommend that the federal government implement a full prohibition on the advertising of food and beverages to children, following from Quebec's prohibition of all advertising to children, which has been in place since the 1980s.

While the prohibition in Quebec has had some success, their legislated restrictions are limited to print and broadcast advertising. Predictably, after the law came into effect, other forms of marketing to youth increased. It is good to see that La Coalition Poids, the Quebec coalition, supports Bill S-228. The Stop Marketing to Kids Coalition, which includes 12 notable allied health agencies, co-led by the Heart and Stroke Foundation of Canada and the Childhood Obesity Foundation, have been extremely vocal with their support from the beginning.

Honourable senators, during the debate on Bill C-45, we heard concerns that children are targeted with many forms of marketing. Will the money currently spent on marketing junk

food to children under 13, once that is prohibited, move to target teenagers? For this reason, I am pleased that Bill S-228 was amended to include a five-year review of the potential for unintended consequences that may negatively affect teenagers. Marketing specialists today understand that adolescents can be targeted with messaging that plays on specific emotions, especially through social media. When teenagers choose to snack on foods high in salt, sugar and fat, and to drink pop and highly caffeinated beverages, it can result in poor food choices for the rest of their lives.

The amount of targeted advertising of unhealthy products to children and teenagers in Canada, including all forms of commercial marketing, has greatly increased over the years. This has happened for the simple reason that the experts who design these marketing campaigns know full well that they work.

Today, there are many ways to influence children to choose unhealthy food and beverages, including sponsorships, testimonials and product giveaways. We know the tools used to develop successful marketing campaigns effectively use the latest technology and the reach of the Internet.

While this legislation to amend the Food and Drugs Act includes the general intent and framework, the details will be contained in regulations that can be updated to respond to new ways of marketing. Senator Greene Raine is confident the many stakeholder groups involved in the childhood obesity issue will watch and ensure the regulations to be developed following Royal Assent of Bill S-228 will live up to the legislation's intent and purpose.

Honourable senators, I ask that you carefully consider the positive impact that Bill S-228 can have on the health of Canadian children. Just like Senator Greene Raine, I, too, support the amendments from the other place that protect children under 13 years of age from targeted advertising of unhealthy foods and ensure that any new evidence over the next five years is followed up to keep this legislation current and relevant.

The goal of the bill remains, as it was always intended to be, the protection of child health. I urge you to concur with Bill S-228 as amended in the other place. Thank you for your attention. I would be pleased to answer any questions if you have them.

Hon. Peter Harder (Government Representative in the Senate): Colleagues, I won't take long, but I do want to express, on behalf of the government, its support for this bill, particularly as amended. This is an important initiative, started in the Senate by our former colleague Senator Nancy Greene Raine, excellently supported in the hand-off to Senator Seidman. Member of Parliament Eyolfson in the other chamber ensured broad cross-party support for this piece of legislation.

• (1610)

It is a true example of complementarity in the leadership of the Senate, working with the House of Commons, and in this case we are not amending our bill. They have amended ours. We are asked now to give our consent to the amendments that have been so ably described by Senator Seidman.

[Senator Seidman]

I simply want to encourage all senators to support this bill as amended, and in doing so to remember and thank Senator Greene Raine for her efforts over a number of years on this bill and to thank the Standing Senate Committee on Social Affairs, Science and Technology for its work on the obesity study, which helped frame the debate, and for the rich discussions we had here before we sent it to the other place. This is an issue for which the time has come. Please, let's get this done quickly.

(On motion of Senator Mercer, debate adjourned.)

ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

BILL TO AMEND — THIRD READING — MOTION IN AMENDMENT — VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Gold, for the third reading of Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins), as amended.

And on the motion in amendment of the Honourable Senator Tannas, seconded by the Honourable Senator Batters:

That Bill S-203, as amended, be not now read a third time, but that it be further amended,

(*a*) by adding the following after clause 6 (added by decision of the Senate on April 26, 2018):

"Exemption

7(1) Section 445.2 of the *Criminal Code*, section 28.1 of the *Fisheries Act* and section 7.1 of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* do not apply to a person whose name appears in the schedule to this Act.

(2) If the Governor in Council is of the opinion that it is in the public interest, the Governor in Council may, by order, add a name to or delete a name from the schedule.

(3) In determining whether it is in the public interest to add a name to or delete a name from the schedule, the Governor in Council must take into account whether a person

(a) conducts scientific research in respect of cetaceans; or

(b) provides assistance or care to or rehabilitates cetaceans."; and

(*b*) by adding the following schedule to the end of the Bill:

"**SCHEDULE**

(Section 7)

Designated Persons

The Ocean Wise Conservation Association (Vancouver Aquarium)".

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Tannas, seconded by the Honourable Senator Batters, that Bill S-203, as amended, be not now read a third time but that it be further amended — may I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have an agreement on the bell?

Pursuant to rule 9-10, the vote is deferred to the next day the Senate sits at 5:30 p.m. The bells will ring at 5:15 p.m. for 15 minutes.

[*Translation*]

BAN ON SHARK FIN IMPORTATION BILL

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Tkachuk, for the third reading of Bill S-238, An Act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (importation of shark fins), as amended.

Hon. Lucie Moncion: Honourable senators, I rise today to speak to Bill S-238, which seeks to ban shark fin importation.

This bill has been on the Order Paper for some time and has been paired with Bill S-203, which seeks to end the captivity of whales and dolphins. When we vote on one, we will also be voting on the other.

Perhaps it is time, colleagues, to put an end to the debate on these two bills and to vote in favour of them so that we can send them to the House of Commons. These bills are important to the protection of marine life, whether it is dolphins, whales or sharks. We have hesitated long enough. It is time to take action.

Last year, we all received a copy of biologist Rob Stewart's film *Sharkwater*. This shark lover made a documentary to expose the massacre of sharks that is occurring because of the illegal but extremely lucrative shark fin trade. Over 100 million sharks are massacred around the world every year, creating an imbalance in our oceans and threatening the survival of our planet.

In his second film, *Sharkwater Extinction*, Rob Stewart presented an even more striking portrayal of the scale of the industry and drove home the urgency of ending the massacre of these magnificent marine predators.

You may recall the four films released between 1973 and 1987 that resulted in several generations hating, fearing, or simply not caring about sharks. Those films were *Jaws* in 1975; *Jaws 2* in 1978; *Jaws 3-D* in 1983; and, finally, *Jaws: The Revenge* in 1987. In these films, Steven Spielberg misrepresented the danger sharks pose to humans. People came to believe that sharks were predators to be eliminated at all costs because they were a threat to humans. Not once were viewers invited to consider the important role sharks play in maintaining the balance on earth and in the oceans.

I encourage you to see Rob Stewart's two films on sharks, *Sharkwater* and *Sharkwater Extinction*. They will change the way you see sharks, and you will understand why it is so important to take action to protect this endangered species.

In his speech on this subject, Senator MacDonald eloquently laid out the nature of the challenges and explained why sharks are so important. I will not reiterate what he said, but I do invite you to reread his speech.

I'd like to take a few minutes to talk about the director of *Sharkwater* and *Sharkwater Extinction*. The following information about Rob Stewart is from www.sharkwater.com. I quote:

[*English*]

> Born and raised in Toronto, Canada, Stewart began photographing underwater when he was 13. By the age of 18, he became a scuba instructor and then moved on to earn a Bachelor of Science degree in Biology, studying in Ontario, Jamaica and Kenya.

Before making *Sharkwater* (2007), Stewart spent four years travelling the world as chief photographer for the Canadian Wildlife Federation's magazines. Leading expeditions to the most remote areas of the world, Stewart has logged thousands of hours underwater using the latest in camera and rebreather technologies. Stewart's highly sought after images have appeared in nearly every media form worldwide.

While on assignment to photograph sharks in the Galapagos Islands, Stewart discovered illegal longlining, indiscriminately killing sharks within the marine reserve. He tried promoting awareness through print media, but when the public didn't respond, Stewart decided to make a film to bring people closer to sharks. At the age of 22 he left his career behind and embarked on a remarkable journey over four years and 12 countries, resulting in the epic *Sharkwater*.

When Stewart boarded Sea Shepherd's ship, *Sharkwater* took a turn from a beautiful underwater film into an incredible human drama filled with corruption, espionage, attempted murder charges and mafia rings, forcing Stewart and his crew to become part of the story. During filming, Stewart encountered life threatening obstacles, including diseases such as West Nile, tuberculosis, dengue fever and flesh eating disease.

Sharkwater has been hugely successful, premiering at the Toronto International Film Festival and winning a "Canada's Top Ten" award. *Sharkwater* made history with the largest opening weekend of any Canadian documentary, and was the most award-winning documentary of the year, winning over 35 awards at prestigious film festivals around the world.

Why am I speaking to you about Rob Stewart and his filmmaking? Rob passed away January 21, 2017, at the Florida Keys during a film expedition. He was actually 37 years old when he passed away. He was putting the final touches on his next movie, *Sharkwater Extinction*. Rob never got to finish this film, and the task was left to others. His parents, Brian and Sandy Stewart, took on the task. *Sharkwater Extinction* was released a few weeks ago at the Toronto International Film Festival.

• (1620)

I was privileged to meet Brian and Sandy Stewart before the screening of the movie *Sharkwater Extinction* here in Ottawa and could feel their dedication to their son's legacy. I was compelled by the powerful impact of this film. After the screening of the movie, Brian and Sandy Stewart graciously answered questions from the audience.

One of these questions concerned the length of time this bill has been in the Senate, what is holding this bill back and why it has yet to get to the House of Commons. Our image as the Senate holding up this bill did not resonate well with the movie attendees. After the movie, I thanked Brian and Sandy for their dedication to their son's memory.

I hope that their grieving will be alleviated and that they will find comfort and peace in knowing that the work and the legacy of their son will bring protection to sharks and to the world he left behind. I extend my sincerest gratitude to Senator MacDonald for his dedication to this bill and for the invitation he forwarded. I enjoyed the screening immensely and extend an invitation to each and every one of you to attend a screening in a Canadian theatre. The release will be tomorrow, October 19. *Sharkwater Extinction* is a very good movie.

[*Translation*]

I am speaking today to urge all of us to put our differences aside and to vote to ensure that this bill, as well as the one dealing with dolphins and whales in captivity, is sent to the House of Commons. In tribute to the late, great Canadian Rob Stewart and to his parents, who are carrying on his labour of love for future generations, I urge you to bring Bill S-238 and Bill S-203 to a vote so that we may help create a safe environment for sharks and protect our oceans and marine mammals.

Thank you for your attention.

(On motion of Senator Pratte, debate adjourned.)

[*English*]

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Diane F. Griffin moved second reading of Bill C-354, An Act to amend the Department of Public Works and Government Services Act (use of wood).

She said: Honourable senators, I am the sponsor of Bill C-354, An Act to amend the Department of Public Works and Government Services Act (use of wood).

The bill was introduced in the House of Commons in April last year by Richard Cannings the Member of Parliament for South Okanagan—West Kootenay. It's a short, simple bill. It has only one clause, which reads:

> In developing requirements with respect to the construction, maintenance or repair of public works, federal real property or federal immovables, the Minister shall consider any reduction in greenhouse gas emissions and any other environmental benefits and may allow the use of wood or any other thing — including a material, product or sustainable resource — that achieves such benefits.

Honourable senators, "consider" is the operative word here. There will always be other factors. However, if our federal project planners begin considering wood use and then employ it even sparingly, the impact could be significant. In the other place, the vast majority of Conservative MPs opposed this bill on the basis that it would violate free market principles. However, this belief is incorrect. If, after analysis, wood is not found to be the best material with respect to a product in terms of cost effectiveness or suitability, wood will not be used. This legislation channels policy-makers into a process that supports the environment and local business.

I will use the recent visit by the Senate Agriculture and Forestry Committee to the Brock Commons student residence at the University of British Columbia. I have to say, we were really impressed by this building.

Brock Commons is the world's tallest mass structure timber building. Forestry Innovation Investment Ltd., which is accountable to the B.C. Ministry of Jobs, Trade and Technology notes that:

> Brock Commons is a hybrid structure, comprised of 17 storeys of mass timber construction above one storey of concrete and two concrete stair cores serving all floors.

I will outline the three main benefits of wood construction.

First, this type of building is remarkably fast to construct with comparatively little labour. Pierre Lapointe, President and CEO of FPInnovations, an amalgamation of Canada's forest sector research industries by the country's forest industries, the federal government, and the Governments of British Columbia and Quebec the Agriculture, told the Agriculture and Forestry Committee in May 2017 that the building was built by nine people in three months. This sounds like hyperbole but it is not. These engineered wood buildings are incredibly fast to build.

Second, wood is a renewable resource. Brock Commons used 2,233 cubic meters of engineered wood products. For context, the U.S. and Canadian forests grow this much wood in six minutes.

Third, because the wood in these structures is not burned or allowed to decompose, carbon is stored in the wood. Former Minister of National Resources Jim Carr told the Agriculture and Forestry Committee that Brock Commons "is an environmental game changer, storing close to 1,600 metric tonnes of carbon dioxide."

Between the carbon stored in the wood and the carbon emissions avoided by not using energy-intensive materials, Forestry Innovation Investment Ltd. estimates that the total potential carbon benefit from this project alone is 2,432 metric tonnes of carbon dioxide, which is the equivalent of taking 511 cars off the road for a year.

When we think of wood in construction, it is natural to worry about fire. But wood construction, particularly for large structures, has come a long way in the last few decades. In a fire, heavy timber chars on the outside, while retaining strength, slowing combustion and allowing time to evacuate the building.

• (1630)

> Brock Commons has been designed to meet the one and two-hour fire ratings required for this type of building, exceeding fire standards for a concrete or steel structure.

The wood structure exceeds the fire ratings for concrete and steel structures, so we no longer need to fear engineered wood construction.

Across Canada, there are many desirable benefits of this bill becoming law. This legislation would encourage more federal projects being built with wood, thereby demonstrating that building with wood makes good fiscal and environmental sense. The private sector may be more than willing to invest in wood-built projects of their own once they see success in public projects.

On the international stage, successful projects in Canada could encourage building with wood abroad. The more buildings are built with engineered wood, the more carbon is captured. Measures that help reduce Canada's climate change impact could also help to reduce the carbon footprints of our trading partners.

If domestic and international markets for engineered wood grow, it would become a welcome change for the forestry industry, which has been hard hit by trade barriers. The creation of good new jobs in the renewable resource sector would be a welcome change. This is an opportunity for the government to show leadership on climate change, and I am confident that if departments have to consider the use of engineered wood in their future projects, their use of wood will increase.

Before I finish my speech, I want to speak directly to honourable senators from the Maritimes, and in particular New Brunswick, and I draw your attention to the fact that our region has a vast and vibrant forestry sector. I'm strongly encouraging maritime senators and others to support this bill. Currently, the representatives of the forestry sector are looking to have a duplicate of this bill passed at the provincial level in the Maritime provinces to give additional consideration to using local wood products and to support the environment. This would mirror similar provincial legislation in British Columbia and Quebec.

Bill C-354 has the support of the maritime forestry sector. I stress that in conversations with my staff that maritime forestry representatives have no trade concerns arising with the United States if this bill becomes law. In the other place, there was little discussion on how this bill could be beneficial to the Maritimes.

Honourable senators, I ask for your support to send this bill to committee to hear from maritime stakeholders themselves.

This bill provides one small policy change that could have some really exciting ripple benefits. If one new building is constructed with engineered wood as a result of this legislation, thousands of tons of carbon would be captured. The benefits would then multiply exponentially. We will need many strategies like these if we are to mitigate the effects of our changing climate.

Please join me in supporting this bill, which was brought forward as a private member's bill by a British Columbia MP in the other place, and this will be one small step toward a healthier planet. Thank you.

Hon. Yonah Martin (Deputy Leader of the Opposition): I have one question for Senator Griffin.

Senator Griffin: Yes.

Senator Martin: Senator, this is somewhat unrelated, but I do feel it is relevant, and it's regarding the National Building Code, which impacts the provincial building codes and what happens municipally.

I am aware of an issue that firefighters have brought to our attention, and I'm sure others have heard as well. In their annual visits to Parliament Hill, they talk about how, in the revision of the building codes, they would like a seat at the table to include firefighter safety, because depending on the building and if wood is involved, there are concerns about flashpoint and their own safety. I understand that there was an inadvertent removal of the words, "firefighter safety" in the building code.

Again, I think it's a much more complex issue, but are you aware of any concerns expressed by firefighters, for instance, and their association regarding this bill?

Senator Griffin: Yes. Probably not to the same degree as you, maybe, if you have had a detailed discussion with them, but certainly I have had some input from firefighters.

The furniture in the building is going to be the bigger problem. The wood or any material in the furniture in the building is going to be a bigger problem to the safety of firefighters than is a building made from engineered wood, such as Brock Commons at the University of British Columbia.

Our committee did visit that building and learned quite a bit of detail about it while we were there, including the fact that it's highly fire retardant for the main structure, as I say. The furniture is a more serious risk to human health than is the actual envelope of the building itself.

Having said that, you're giving me a chance now to say something else, and that is that when I entered Brock Commons, I was amazed by the atmosphere and the feeling of that building. It felt so much more human and humane and the students seemed to be very — I don't want to use the word "placid," as it's not the right word. Students are never totally placid.

Senator Harder: Maybe yesterday.

Senator Griffin: Maybe yesterday they were; good point. The atmosphere in the place was very peaceful, that's the word I'm looking for.

There are a lot of benefits to using wood in addition to potential cost reduction, but also, when you consider sustainable development in the big picture and consider social, environmental and economic consequences, I would say that any contact I've had with firefighters has been generally positive.

You've made the point about building codes. The building codes are in the process of being updated, so this will be given due consideration. But I really look forward to when it goes to committee and we get the firefighters in and hear firsthand from them, and we'll all have the benefit of that.

Senator Martin: Thank you for that.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Very quickly on debate, Your Honour, I want to call our colleague's attention to a previous report of the Standing Senate Committee on Agriculture and Forestry where we did a major study on the use of wood. We visited other places in B.C., including the Richmond Oval, which was used for the Olympics in 2010.

In that report there is testimony from the firefighters. I can't recall them all as it was a number of years ago, but the testimony was very supportive of the use of wood and, as Senator Griffin said, it's the furniture that's a problem, not the wood that's used in the structure. It was a good question, but the Agriculture and Forestry Committee has already provided the answer. You only need to refer to that report.

Senator Martin: On debate, if I may say a few words, I will then adjourn for the balance of my time.

The Richmond Oval is an amazing legacy project as part of the 2010 Winter Olympic games. It is a beautiful structure and I hope senators will get to see it in person.

What I was referring to regarding the firefighters is that there is also concern regarding the floor. It relates to their overall safety and the building codes that are a part of all that. As a British Columbian and as someone who sat in on the committee during that study of the importance of the industry and using wood in our structures, I'm very supportive of that as well.

In any event, I thank Senator Griffin and Senator Mercer and the committee members who conducted the previous study, and I will take the adjournment for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

• (1640)

THE SENATE

MOTION TO INSTRUCT SENATE ADMINISTRATION TO REMOVE THE WEBSITE OF THE HONOURABLE LYNN BEYAK FROM ANY SENATE SERVER AND CEASE SUPPORT OF ANY RELATED WEBSITE UNTIL THE PROCESS OF THE SENATE ETHICS OFFICER'S INQUIRY IS DISPOSED OF—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Marwah:

That the Senate administration be instructed to remove the website of the Honourable Senator Beyak from any Senate server and cease to support any website for the senator until the process undertaken by the Senate Ethics Officer following a request to conduct an inquiry under the *Ethics and Conflict of Interest Code for Senators* in relation to the content of Senator Beyak's website and her obligations under the Code is finally disposed of, either by the tabling of the Senate Ethics Officer's preliminary determination letter or inquiry report, by a report of the Standing Committee on Ethics and Conflict of Interest for Senators, or by a decision of the Senate respecting the matter.

And on the motion in amendment of the Honourable Senator Pratte, seconded by the Honourable Senator Coyle:

That the motion be not now adopted, but that it be amended:

1. by deleting the words "the Senate administration be instructed to remove the website of the Honourable Senator Beyak from any Senate server and cease to support any website for the senator"; and

2. by adding the following after the word "matter":

", the Senate administration be instructed:

(*a*) to remove the 103 letters of support dated March 8, 2017, to October 4, 2017, from the website of Senator Beyak (lynnbeyak.sencanada.ca) and any other website housed by a Senate server; and

(*b*) not to provide support, including technical support and the reimbursement of expenses, for any website of the senator that contains or links to any of the said letters of support".

Hon. Yonah Martin (Deputy Leader of the Opposition): I see that this Order Paper item is at day 14. If I may, I would move to adjourn debate for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

SEASONAL WORKERS IN NEW BRUNSWICK

ONGOING CHALLENGES—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poirier, calling the attention of the Senate to the ongoing challenges faced by seasonal workers in New Brunswick.

Hon. René Cormier: Honourable senators, I move that the debate be adjourned for the balance of my time until the next sitting of the Senate.

(On motion of Senator Cormier, debate adjourned.)

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF CANADIANS' VIEWS ABOUT MODERNIZING THE OFFICIAL LANGUAGES ACT WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. René Cormier, pursuant to notice of October 16, 2018, moved:

That the Standing Senate Committee on Official Languages be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than October 31, 2018, an interim report on modernizing the Official Languages Act: the views of official language minority communities, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Rosa Galvez, pursuant to notice of October 16, 2018, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to meet at 5 p.m. on Tuesday, October 23, 2018, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO HOLD OCCASIONAL IN CAMERA MEETINGS

Hon. Jean-Guy Dagenais, for Senator Boniface, pursuant to notice of October 17, 2018, moved:

That, notwithstanding rule 12-15(2), the Standing Senate Committee on National Security and Defence be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information in relation to its study.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO HOLD OCCASIONAL IN CAMERA MEETINGS ON STUDY OF BILL C-58

Hon. Serge Joyal, pursuant to notice of October 17, 2018, moved:

That, notwithstanding rule 12-15(2), the Standing Senate Committee on Legal and Constitutional Affairs be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information in relation to its study on Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts, as authorized by the Senate on June 6, 2018.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Diane F. Griffin, pursuant to notice of October 17, 2018, moved:

That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, October 23, 2018, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Fabian Manning, pursuant to notice of October 17, 2018, moved:

That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, October 23, 2018, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(At 4:47 p.m., the Senate was continued until Tuesday, October 23, 2018, at 2 p.m.)

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